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111TH CONGRESS
1ST SESSION

H. R. 2200

[Report No. 111–123]

To authorize the Transportation Security Administration’s programs relating to the provision of transportation security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Ms. JACKSON-LEE of Texas (for herself, Mr. DENT, and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Homeland Security

MAY 19, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 30, 2009]

A BILL

To authorize the Transportation Security Administration’s programs relating to the provision of transportation security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
 3 *“Transportation Security Administration Authorization*
 4 *Act”.*

5 (b) *TABLE OF CONTENTS.*—

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Authorities vested in Assistant Secretary.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Risk-based system for allocation of resources.

*Sec. 103. Ensuring contracting with small business concerns and disadvantaged
business concerns.*

TITLE II—AVIATION SECURITY

Subtitle A—Amendments to Chapter 449

Sec. 201. Screening air cargo and checked baggage.

Sec. 202. Prohibition of advance notice of covert testing to security screeners.

Sec. 203. Secure verification system for law enforcement officers.

Sec. 204. Ombudsman for Federal Air Marshal Service.

Sec. 205. Federal flight deck officer program enhancements.

Sec. 206. Foreign repair stations.

Sec. 207. Assistant Secretary defined.

Sec. 208. TSA and homeland security information sharing.

Sec. 209. Aviation security stakeholder participation.

Sec. 210. General aviation security.

Sec. 211. Security and self-defense training.

*Sec. 212. Security screening of individuals with metal implants traveling in air
transportation.*

Sec. 213. Prohibition on outsourcing.

Subtitle B—Other Matters

Sec. 221. Security risk assessment of airport perimeter access controls.

Sec. 222. Advanced passenger prescreening system.

*Sec. 223. Biometric identifier airport access enhancement demonstration pro-
gram.*

Sec. 224. Transportation security training programs.

*Sec. 225. Deployment of technology approved by science and technology direc-
torate.*

Sec. 226. In-line baggage screening study.

Sec. 227. In-line checked baggage screening systems.

Sec. 228. GAO report on certain contracts and use of funds.

Sec. 229. IG report on certain policies for Federal air marshals.

Sec. 230. Explosives detection canine teams minimum for aviation security.

Sec. 231. Assessments and GAO Report of inbound air cargo screening.

Sec. 232. Status of efforts to promote air cargo shipper certification.

- Sec. 233. Full and open competition in security background screening service.*
- Sec. 234. Registered traveler.*
- Sec. 235. Report on cabin crew communication.*
- Sec. 236. Air cargo crew training.*
- Sec. 237. Reimbursement for airports that have incurred eligible costs.*
- Sec. 238. Report on whole body imaging technology.*
- Sec. 239. Protective equipment.*

TITLE III—SURFACE TRANSPORTATION SECURITY

- Sec. 301. Assistant Secretary defined.*
- Sec. 302. Surface transportation security inspection program.*
- Sec. 303. Visible intermodal prevention and response teams.*
- Sec. 304. Surface Transportation Security stakeholder participation.*
- Sec. 305. Human capital plan for surface transportation security personnel.*
- Sec. 306. Surface transportation security training.*
- Sec. 307. Security assistance IG Report.*
- Sec. 308. International lessons learned for securing passenger rail and public transportation systems.*
- Sec. 309. Underwater tunnel security demonstration project.*
- Sec. 310. Passenger rail security demonstration project.*
- Sec. 311. Explosives detection canine teams.*

TITLE IV—TRANSPORTATION SECURITY CREDENTIALING

Subtitle A—Security Credentialing

- Sec. 401. Report and recommendation for uniform security background checks.*
- Sec. 402. Animal-propelled vessels.*
- Sec. 403. Requirements for issuance of transportation security cards; access pending issuance.*
- Sec. 404. Harmonizing security card expirations.*
- Sec. 405. Securing aviation from extreme terrorist threats.*

Subtitle B—SAFE Truckers Act of 2009

- Sec. 431. Short title.*
- Sec. 432. Surface transportation security.*
- Sec. 433. Conforming amendment.*
- Sec. 434. Limitation on issuance of hazmat licenses.*
- Sec. 435. Deadlines and effective dates.*
- Sec. 436. Task force on disqualifying crimes.*

1 SEC. 2. DEFINITIONS.

2 *In this Act, the following definitions apply:*

- 3 (1) *ASSISTANT SECRETARY.*—*The term “Assistant*
- 4 *Secretary” means Assistant Secretary of Home-*
- 5 *land Security (Transportation Security Administra-*
- 6 *tion).*

1 (2) *ADMINISTRATION.*—*The term “Administra-*
 2 *tion” means the Transportation Security Administra-*
 3 *tion.*

4 (3) *AVIATION SECURITY ADVISORY COMMITTEE.*—
 5 *The term “Aviation Security Advisory Committee”*
 6 *means the advisory committee established by section*
 7 *44946 of title 49, United States Code, as added by*
 8 *this Act.*

9 (4) *SECRETARY.*—*The term “Secretary” means*
 10 *the Secretary of Homeland Security.*

11 **SEC. 3. AUTHORITIES VESTED IN ASSISTANT SECRETARY.**

12 *Any authority vested in the Assistant Secretary under*
 13 *this Act shall be carried out under the direction and control*
 14 *of the Secretary.*

15 **TITLE I—AUTHORIZATION OF**
 16 **APPROPRIATIONS**

17 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

18 *There are authorized to be appropriated to the Sec-*
 19 *retary \$7,604,561,000 for fiscal year 2010 and*
 20 *\$8,060,835,000 for fiscal year 2011 for the necessary ex-*
 21 *penses of the Transportation Security Administration for*
 22 *such fiscal years.*

1 **SEC. 102. RISK-BASED SYSTEM FOR ALLOCATION OF RE-**
2 **SOURCES.**

3 (a) *REPORT.*—Not later than 180 days after the date
4 of enactment of this Act, the Assistant Secretary shall sub-
5 mit to the appropriate congressional committees, including
6 the Committee on Homeland Security of the House of Rep-
7 resentatives, a report on the status of its implementation
8 of recommendations from the Comptroller General with re-
9 spect to the use by the Transportation Security Administra-
10 tion of a risk-based system for allocating security resources
11 effectively.

12 (b) *ASSESSMENTS.*—The report shall include assess-
13 ments of the Transportation Security Administration’s
14 progress in—

15 (1) adopting security goals that define specific
16 outcomes, conditions, end points, and performance
17 targets;

18 (2) conducting comprehensive risk assessments
19 for the transportation sector that meet the criteria es-
20 tablished under Homeland Security Presidential Di-
21 rective-7 in effect as of January 1, 2009, and combine
22 individual assessments of threat, vulnerability, and
23 consequence;

24 (3) analyzing the assessments described in para-
25 graph (2) to produce a comparative analysis of risk

1 *across the entire transportation sector to guide cur-*
2 *rent and future investment decisions;*

3 *(4) establishing an approach for gathering data*
4 *on investments by State, local, and private sector se-*
5 *curity partners in transportation security;*

6 *(5) establishing a plan and corresponding bench-*
7 *marks for conducting risk assessments for the trans-*
8 *portation sector that identify the scope of the assess-*
9 *ments and resource requirements for completing them;*

10 *(6) working with the Department of Homeland*
11 *Security to effectuate the Administration's risk man-*
12 *agement approach by establishing a plan and time-*
13 *frame for assessing the appropriateness of the Admin-*
14 *istration's intelligence-driven risk management ap-*
15 *proach for managing risk at the Administration and*
16 *documenting the results of the assessment once com-*
17 *pleted;*

18 *(7) determining the best approach for assigning*
19 *uncertainty or confidence levels to analytic intel-*
20 *ligence products related to the Transportation Secu-*
21 *rity Administration's security mission and applying*
22 *such approach; and*

23 *(8) establishing internal controls, including—*
24 *(A) a focal point and clearly defined roles*
25 *and responsibilities for ensuring that the Admin-*

1 *istration’s risk management framework is imple-*
 2 *mented;*

3 *(B) policies, procedures, and guidance that*
 4 *require the implementation of the Administra-*
 5 *tion’s framework and completion of related work*
 6 *activities; and*

7 *(C) a system to monitor and improve how*
 8 *effectively the framework is being implemented.*

9 *(c) ASSESSMENT AND PRIORITIZATION OF RISKS.—*

10 *(1) IN GENERAL.—Consistent with the risk and*
 11 *threat assessments required under sections*
 12 *114(s)(3)(B) and 44904(c) of title 49, United States*
 13 *Code, the report shall include—*

14 *(A) a summary that ranks the risks within*
 15 *and across transportation modes, including vul-*
 16 *nerability of a cyber attack; and*

17 *(B) a description of the risk-based priorities*
 18 *for securing the transportation sector, both with-*
 19 *in and across modes, in the order that the prior-*
 20 *ities should be addressed.*

21 *(2) METHODS.—The report also shall—*

22 *(A) describe the underlying methodologies*
 23 *used to assess risks across and within each trans-*
 24 *portation mode and the basis for any assump-*
 25 *tions regarding threats, vulnerabilities, and con-*

1 *sequences made in assessing and prioritizing*
 2 *risks within and across such modes; and*

3 *(B) include the Assistant Secretary’s work-*
 4 *ing definition of the terms “risk-based” and*
 5 *“risk-informed”.*

6 *(d) FORMAT.—The report shall be submitted in classi-*
 7 *fied or unclassified formats, as appropriate.*

8 **SEC. 103. ENSURING CONTRACTING WITH SMALL BUSINESS**

9 **CONCERNS AND DISADVANTAGED BUSINESS**

10 **CONCERNS.**

11 *(a) REQUIREMENTS FOR PRIME CONTRACTS.—The As-*
 12 *stant Secretary shall include in each contract, valued at*
 13 *\$300,000,000 or more, awarded for procurement of goods*
 14 *or services acquired for the Transportation Security Ad-*
 15 *ministration—*

16 *(1) a requirement that the contractor shall im-*
 17 *plement a plan for the award, in accordance with*
 18 *other applicable requirements, of subcontracts under*
 19 *the contract to small business concerns, including*
 20 *small business concerns owned and controlled by so-*
 21 *cially and economically disadvantaged individuals,*
 22 *small business concerns owned and controlled by*
 23 *women, small business concerns owned and controlled*
 24 *by service-disabled veterans, HUBZone small business*
 25 *concerns, small business concerns participating in the*

1 *program under section 8(a) of the Small Business Act*
 2 *(15 U.S.C. 637(a)), institutions of higher education*
 3 *receiving assistance under title III or V of the Higher*
 4 *Education Act of 1965 (20 U.S.C. 1051 et seq.; 1101*
 5 *et seq.), and Alaska Native Corporations created pur-*
 6 *suant to the Alaska Native Claims Settlement Act (43*
 7 *U.S.C. 1601 et seq.), including the terms of such plan;*
 8 *and*

9 *(2) a requirement that the contractor shall sub-*
 10 *mit to the Assistant Secretary, during performance of*
 11 *the contract, periodic reports describing the extent to*
 12 *which the contractor has complied with such plan, in-*
 13 *cluding specification (by total dollar amount and by*
 14 *percentage of the total dollar value of the contract) of*
 15 *the value of subcontracts awarded at all tiers of sub-*
 16 *contracting to small business concerns, institutions,*
 17 *and corporations referred to in subsection (a)(1).*

18 *(b) UTILIZATION OF ALLIANCES.—The Assistant Sec-*
 19 *retary shall seek to facilitate award of contracts by the Ad-*
 20 *ministration to alliances of small business concerns, institu-*
 21 *tions, and corporations referred to in subsection (a)(1).*

22 *(c) ANNUAL REPORT.—*

23 *(1) IN GENERAL.—The Assistant Secretary shall*
 24 *submit to the Committee on Homeland Security of the*
 25 *House of Representatives and the Committee on Com-*

1 *merce, Science, and Transportation of the Senate by*
2 *October 31 each year a report on the award of con-*
3 *tracts to small business concerns, institutions, and*
4 *corporations referred to in subsection (a)(1) during*
5 *the preceding fiscal year.*

6 (2) *CONTENTS.—The Assistant Secretary shall*
7 *include in each report—*

8 (A) *specification of the value of such con-*
9 *tracts, by dollar amount and as a percentage of*
10 *the total dollar value of all contracts awarded by*
11 *the United States in such fiscal year;*

12 (B) *specification of the total dollar value of*
13 *such contracts awarded to each of the categories*
14 *of small business concerns, institutions, and cor-*
15 *porations referred to in subsection (a)(1); and*

16 (C) *if the percentage specified under sub-*
17 *paragraph (A) is less than 25 percent, an expla-*
18 *nation of—*

19 (i) *why the percentage is less than 25*
20 *percent; and*

21 (ii) *what will be done to ensure that*
22 *the percentage for the following fiscal year*
23 *will not be less than 25 percent.*

1 ***TITLE II—AVIATION SECURITY***
2 ***Subtitle A—Amendments to Chapter***
3 ***449***

4 ***SEC. 201. SCREENING AIR CARGO AND CHECKED BAGGAGE.***

5 *(a) INBOUND AIR CARGO ON PASSENGER AIRCRAFT.—*
6 *Section 44901(g) of title 49, United States Code, is amend-*
7 *ed—*

8 *(1) by redesignating paragraphs (3), (4), and (5)*
9 *as paragraphs (4), (5), and (6), respectively; and*

10 *(2) by inserting after paragraph (2) the fol-*
11 *lowing:*

12 *“(3) INBOUND AIR CARGO ON PASSENGER AIR-*
13 *CRAFT.—Not later than 2 years after the date of en-*
14 *actment of the Transportation Security Administra-*
15 *tion Authorization Act, the Assistant Secretary shall*
16 *establish a system to verify that all cargo transported*
17 *on passenger aircraft operated by an air carrier or*
18 *foreign air carrier inbound to the United States be*
19 *screened for explosives. The system shall include a*
20 *risk assessment for inbound air cargo on passenger*
21 *and all air cargo airplanes, and the Assistant Sec-*
22 *retary shall use this assessment to address*
23 *vulnerabilities in cargo screening. The Assistant Sec-*
24 *retary shall identify redundancies in inbound cargo*
25 *inspection on passenger aircraft by agencies and ad-*

1 *dress these to ensure that all cargo is screened without*
 2 *subjecting carriers to multiple inspections by different*
 3 *agencies.”.*

4 ***(b) MANDATORY SCREENING WHERE EDS IS NOT YET***
 5 ***AVAILABLE.—Section 44901(e)(1) of title 49, United States***
 6 ***Code, is amended to read as follows:***

7 *“(1) A bag match program, ensuring that no*
 8 *checked baggage is placed aboard an aircraft unless*
 9 *the passenger who checked the baggage is aboard the*
 10 *aircraft, is not authorized as an alternate method of*
 11 *baggage screening where explosive detection equipment*
 12 *is available unless there are exigent circumstances as*
 13 *determined by the Assistant Secretary. The Assistant*
 14 *Secretary shall report to the Committee on Homeland*
 15 *Security of the House of Representatives within 90*
 16 *days of the determination that bag match must be*
 17 *used as an alternate method of baggage screening.”.*

18 ***SEC. 202. PROHIBITION OF ADVANCE NOTICE OF COVERT***
 19 ***TESTING TO SECURITY SCREENERS.***

20 ***(a) COVERT TESTING.—Section 44935 of title 49,***
 21 ***United States Code, is amended—***

22 *(1) by redesignating the second subsection (i) (as*
 23 *redesignated by section 111(a)(1) of Public Law 107–*
 24 *71 (115 Stat. 616), relating to accessibility of com-*
 25 *puter-based training facilities) as subsection (k); and*

1 (2) *by adding at the end the following new sub-*
2 *section:*

3 “(l) *PROHIBITION OF ADVANCE NOTICE TO SECURITY*
4 *SCREENERS OF COVERT TESTING AND EVALUATION.—*

5 “(1) *IN GENERAL.—The Assistant Secretary*
6 *shall ensure that information concerning a covert test*
7 *of a transportation security system to be conducted by*
8 *a covert testing office, the Inspector General of the De-*
9 *partment of Homeland Security, or the Government*
10 *Accountability Office is not provided to any indi-*
11 *vidual prior to the completion of the test.*

12 “(2) *EXCEPTIONS.—Notwithstanding paragraph*
13 *(1)—*

14 “(A) *an authorized individual involved in a*
15 *covert test of a transportation security system*
16 *may provide information concerning the covert*
17 *test to—*

18 “(i) *employees, officers, and contractors*
19 *of the Federal Government (including mili-*
20 *tary personnel);*

21 “(ii) *employees and officers of State*
22 *and local governments; and*

23 “(iii) *law enforcement officials who are*
24 *authorized to receive or directed to be pro-*
25 *vided such information by the Assistant*

1 *Secretary, the Inspector General of the De-*
2 *partment of Homeland Security, or the*
3 *Comptroller General, as the case may be;*
4 *and*

5 “(B) *for the purpose of ensuring the secu-*
6 *rity of any individual in the vicinity of a site*
7 *where a covert test of a transportation security*
8 *system is being conducted, an individual con-*
9 *ducting the test may disclose his or her status as*
10 *an individual conducting the test to any appro-*
11 *priate individual if a security screener or other*
12 *individual who is not a covered employee identi-*
13 *fies the individual conducting the test as a po-*
14 *tential threat.*

15 “(3) *SPECIAL RULES FOR TSA.—*

16 “(A) *MONITORING AND SECURITY OF TEST-*
17 *ING PERSONNEL.—The head of each covert test-*
18 *ing office shall ensure that a person or group of*
19 *persons conducting a covert test of a transpor-*
20 *tation security system for the covert testing office*
21 *is accompanied at the site of the test by a cover*
22 *team composed of one or more employees of the*
23 *covert testing office for the purpose of monitoring*
24 *the test and confirming the identity of personnel*
25 *involved in the test under subparagraph (B).*

1 “(B) *RESPONSIBILITY OF COVER TEAM.*—

2 *Under this paragraph, a cover team for a covert*
3 *test of a transportation security system shall—*

4 “(i) *monitor the test; and*

5 “(ii) *for the purpose of ensuring the se-*
6 *curity of any individual in the vicinity of*
7 *a site where the test is being conducted, con-*
8 *firm, notwithstanding paragraph (1), the*
9 *identity of any individual conducting the*
10 *test to any appropriate individual if a secu-*
11 *rity screener or other individual who is not*
12 *a covered employee identifies the individual*
13 *conducting the test as a potential threat.*

14 “(C) *AVIATION SCREENING.*—*Notwith-*
15 *standing subparagraph (A), the Transportation*
16 *Security Administration is not required to have*
17 *a cover team present during a test of the screen-*
18 *ing of persons, carry-on items, or checked bag-*
19 *gage at an aviation security checkpoint at or*
20 *serving an airport if the test—*

21 “(i) *is approved, in coordination with*
22 *the designated security official for the air-*
23 *port operator by the Federal Security Di-*
24 *rector for such airport; and*

1 “(ii) is carried out under an aviation
2 screening assessment program of the De-
3 partment of Homeland Security.

4 “(D) *USE OF OTHER PERSONNEL.*—The
5 *Transportation Security Administration* may
6 use employees, officers, and contractors of the
7 *Federal Government* (including military per-
8 sonnel) and employees and officers of State and
9 local governments to conduct covert tests.

10 “(4) *DEFINITIONS.*—In this subsection, the fol-
11 lowing definitions apply:

12 “(A) *APPROPRIATE INDIVIDUAL.*—The term
13 ‘appropriate individual’, as used with respect to
14 a covert test of a transportation security system,
15 means any individual that—

16 “(i) the individual conducting the test
17 determines needs to know his or her status
18 as an individual conducting a test under
19 paragraph (2)(B); or

20 “(ii) the cover team monitoring the test
21 under paragraph (3)(B)(i) determines needs
22 to know the identity of an individual con-
23 ducting the test.

24 “(B) *COVERED EMPLOYEE.*—The term ‘cov-
25 ered employee’ means any individual who re-

1 *ceives notice of a covert test before the completion*
2 *of a test under paragraph (2)(A).*

3 “(C) *COVERT TEST.*—

4 “(i) *IN GENERAL.*—*The term ‘covert*
5 *test’ means an exercise or activity conducted*
6 *by a covert testing office, the Inspector Gen-*
7 *eral of the Department of Homeland Secu-*
8 *rity, or the Government Accountability Of-*
9 *fice to intentionally test, compromise, or*
10 *circumvent transportation security systems*
11 *to identify vulnerabilities in such systems.*

12 “(ii) *LIMITATION.*—*Notwithstanding*
13 *clause (i), the term ‘covert test’ does not*
14 *mean an exercise or activity by an em-*
15 *ployee or contractor of the Transportation*
16 *Security Administration to test or assess*
17 *compliance with relevant regulations.*

18 “(D) *COVERT TESTING OFFICE.*—*The term*
19 *‘covert testing office’ means any office of the*
20 *Transportation Security Administration des-*
21 *ignated by the Assistant Secretary to conduct*
22 *covert tests of transportation security systems.*

23 “(E) *EMPLOYEE OF A COVERT TESTING OF-*
24 *FICE.*—*The term ‘employee of a covert testing of-*
25 *fice’ means an individual who is an employee of*

1 *a covert testing office or a contractor or an em-*
 2 *ployee of a contractor of a covert testing office.”.*

3 (b) *UNIFORMS.—Section 44935(j) of such title is*
 4 *amended—*

5 (1) *by striking “The Under Secretary” and in-*
 6 *serting the following:*

7 “(1) *UNIFORM REQUIREMENT.—The Assistant*
 8 *Secretary*”; and

9 (2) *by adding at the end the following:*

10 “(2) *ALLOWANCE.—The Assistant Secretary may*
 11 *grant a uniform allowance of not less than \$300 to*
 12 *any individual who screens passengers and property*
 13 *pursuant to section 44901.”.*

14 **SEC. 203. SECURE VERIFICATION SYSTEM FOR LAW EN-**
 15 **FORCEMENT OFFICERS.**

16 *Section 44917 of title 49, United States Code, is*
 17 *amended by adding at the end the following:*

18 “(e) *SECURE VERIFICATION SYSTEM FOR LAW EN-*
 19 *FORCEMENT OFFICERS.—*

20 “(1) *IN GENERAL.—The Assistant Secretary*
 21 *shall develop a plan for a system to securely verify*
 22 *the identity and status of law enforcement officers fly-*
 23 *ing while armed. The Assistant Secretary shall ensure*
 24 *that the system developed includes a biometric compo-*
 25 *nent.*

1 “(2) *DEMONSTRATION.*—*The Assistant Secretary*
2 *shall conduct a demonstration program to test the se-*
3 *ecure verification system described in paragraph (1)*
4 *before issuing regulations for deployment of the sys-*
5 *tem.*

6 “(3) *CONSULTATION.*—*The Assistant Secretary*
7 *shall consult with the Aviation Security Advisory*
8 *Committee, established under section 44946 of title*
9 *49, United States Code, when developing the system*
10 *and evaluating the demonstration program.*

11 “(4) *REPORT.*—*The Assistant Secretary shall*
12 *submit a report to the Committee on Homeland Secu-*
13 *rity of the House of Representatives, evaluating the*
14 *demonstration program of the secure verification sys-*
15 *tem required by this section.*

16 “(5) *AUTHORIZATION OF APPROPRIATIONS.*—
17 *From the amounts authorized under section 101 of the*
18 *Transportation Security Administration Authoriza-*
19 *tion Act, there is authorized to be appropriated to*
20 *carry out this subsection \$10,000,000, to remain*
21 *available until expended.”.*

1 **SEC. 204. OMBUDSMAN FOR FEDERAL AIR MARSHAL SERV-**
 2 **ICE.**

3 *Section 44917 of title 49, United States Code, as*
 4 *amended by section 203 of this Act, is further amended by*
 5 *adding at the end the following:*

6 “(f) OMBUDSMAN.—

7 “(1) ESTABLISHMENT.—*The Assistant Secretary*
 8 *shall establish in the Federal Air Marshal Service an*
 9 *Office of the Ombudsman.*

10 “(2) APPOINTMENT.—*The head of the Office shall*
 11 *be the Ombudsman, who shall be appointed by the As-*
 12 *stant Secretary.*

13 “(3) DUTIES.—*The Ombudsman shall carry out*
 14 *programs and activities to improve morale, training,*
 15 *and quality of life issues in the Service, including*
 16 *through implementation of the recommendations of*
 17 *the Inspector General of the Department of Homeland*
 18 *Security and the Comptroller General.”.*

19 **SEC. 205. FEDERAL FLIGHT DECK OFFICER PROGRAM EN-**
 20 **HANCEMENTS.**

21 (a) ESTABLISHMENT.—*Section 44921(a) of title 49,*
 22 *United States Code, is amended by striking the following:*
 23 *“The Under Secretary of Transportation for Security” and*
 24 *inserting “The Secretary of Homeland Security, acting*
 25 *through the Assistant Secretary of Transportation Secu-*
 26 *rity”.*

1 (b) *ADMINISTRATORS.*—Section 44921(b) of title 49,
2 *United States Code*, is amended—

3 (1) by striking “Under” in paragraphs (1), (2),
4 (4), (6), and (7); and

5 (2) by adding at the end the following:

6 “(8) *ADMINISTRATORS.*—The Assistant Secretary
7 shall implement an appropriately sized administra-
8 tive structure to manage the program, including over-
9 seeing—

10 “(A) eligibility and requirement protocols
11 administration; and

12 “(B) communication with Federal flight
13 deck officers.”.

14 (c) *TRAINING, SUPERVISION, AND EQUIPMENT.*—Sec-
15 tion 44921(c)(2)(C) of such title is amended by adding at
16 the end the following:

17 “(iv) *USE OF FEDERAL AIR MARSHAL*
18 *SERVICE FIELD OFFICE FACILITIES.*—In ad-
19 dition to dedicated Government and con-
20 tract training facilities, the Assistant Sec-
21 retary shall require that field office facilities
22 of the Federal Air Marshal Service be used
23 for the administrative and training needs of
24 the program. Such facilities shall be avail-
25 able to Federal flight deck officers at no cost

1 *for firearms training and qualification, de-*
2 *fensive tactics training, and program ad-*
3 *ministrative assistance.”.*

4 (d) *REIMBURSEMENT.—Section 44921 of such title is*
5 *amended by adding at the end the following:*

6 “(l) *REIMBURSEMENT.—The Secretary, acting through*
7 *the Assistant Secretary, shall reimburse all Federal flight*
8 *deck officers for expenses incurred to complete a recurrent*
9 *and requalifying training requirement necessary to con-*
10 *tinue to serve as a Federal flight deck officer. Eligible ex-*
11 *penses under this subsection include ground transportation,*
12 *lodging, meals, and ammunition, to complete any required*
13 *training as determined by the Assistant Secretary.”.*

14 **SEC. 206. FOREIGN REPAIR STATIONS.**

15 *Section 44924(f) of title 49, United States Code, is*
16 *amended to read as follows:*

17 “(f) *REGULATIONS.—The Assistant Secretary shall*
18 *issue regulations establishing security standards for foreign*
19 *repair stations performing maintenance for aircraft used*
20 *to provide air transportation and shall ensure that com-*
21 *parable standards apply to maintenance work performed*
22 *by employees of repair stations certified under part 121 of*
23 *title 14, Code of Federal Regulations, and maintenance*
24 *work performed by employees of repair stations certified*
25 *under part 145 of such title.”.*

1 **SEC. 207. ASSISTANT SECRETARY DEFINED.**

2 (a) *IN GENERAL.*—Subchapter II of chapter 449 of
3 title 49, United States Code, is amended by inserting before
4 section 44933 the following:

5 **“§ 44931. Assistant Secretary defined**

6 “(a) *IN GENERAL.*—In this chapter—

7 “(1) the term ‘Assistant Secretary’ means the As-
8 sistant Secretary of Homeland Security (Transpor-
9 tation Security Administration); and

10 “(2) any reference to the Administrator of the
11 Transportation Security Administration, the Under
12 Secretary of Transportation for Security, the Under
13 Secretary of Transportation for Transportation Secu-
14 rity, or the Under Secretary for Transportation Secu-
15 rity shall be deemed to be a reference to the Assistant
16 Secretary.

17 “(b) *AUTHORITIES VESTED IN ASSISTANT SEC-*
18 *RETARY.*—Any authority vested in the Assistant Secretary
19 under this chapter shall be carried out under the direction
20 and control of the Secretary of Homeland Security.”.

21 (b) *CLERICAL AMENDMENT.*—The analysis for such
22 subchapter is amended by inserting before the item relating
23 to section 44933 the following:

“44931. Assistant Secretary defined.”.

1 **SEC. 208. TSA AND HOMELAND SECURITY INFORMATION**
2 **SHARING.**

3 (a) *FEDERAL SECURITY DIRECTOR*.—Section 44933 of
4 title 49, United States Code, is amended—

5 (1) in the section heading, by striking “**Man-**
6 **agers**” and inserting “**Directors**”;

7 (2) by striking “Manager” each place it appears
8 and inserting “Director”;

9 (3) by striking “Managers” each place it appears
10 and inserting “Directors”; and

11 (4) by adding at the end the following:

12 “(c) *INFORMATION SHARING*.—Not later than one year
13 after the date of enactment of the Transportation Security
14 Administration Authorization Act, the Assistant Secretary
15 shall—

16 “(1) require an airport security plan to have
17 clear reporting procedures to provide that the Federal
18 Security Director of the airport is immediately noti-
19 fied whenever any Federal, State, or local law en-
20 forcement personnel are called to an aircraft at a gate
21 or on an airfield at the airport to respond to any se-
22 curity matter;

23 “(2) require each Federal Security Director of an
24 airport to meet at least quarterly with law enforce-
25 ment agencies serving the airport to discuss incident
26 management protocols; and

9 (1) Section 114(f)(6) of title 49, United States
10 Code, is amended by striking “Managers” and insert-
11 ing “Directors”.

15 (c) *TECHNICAL AMENDMENT.*—*The chapter analysis*
16 *for chapter 449 is amended by striking the item relating*
17 *to section 44933 and inserting the following:*

18 *SEC. 209. AVIATION SECURITY STAKEHOLDER PARTICIPA-*
19 *TION.*

23 ***“§ 44946. Aviation Security Advisory Committee***

24 “(a) *ESTABLISHMENT OF AVIATION SECURITY ADVI-*
25 *SORY COMMITTEE.*—

1 “(1) *IN GENERAL.*—*The Assistant Secretary*
2 *shall establish in the Transportation Security Admin-*
3 *istration an advisory committee, to be known as the*
4 *Aviation Security Advisory Committee (in this chap-*
5 *ter referred to as the ‘Advisory Committee’), to assist*
6 *the Assistant Secretary with issues pertaining to*
7 *aviation security, including credentialing.*

8 “(2) *RECOMMENDATIONS.*—*The Assistant Sec-*
9 *retary shall require the Advisory Committee to de-*
10 *velop recommendations for improvements to civil*
11 *aviation security methods, equipment, and processes.*

12 “(3) *MEETINGS.*—*The Assistant Secretary shall*
13 *require the Advisory Committee to meet at least semi-*
14 *annually and may convene additional meetings as*
15 *necessary.*

16 “(4) *UNPAID POSITION.*—*Advisory Committee*
17 *members shall serve at their own expense and receive*
18 *no salary, reimbursement of travel expenses, or other*
19 *compensation from the Federal Government.*

20 “(b) *MEMBERSHIP.*—

21 “(1) *MEMBER ORGANIZATIONS.*—*The Assistant*
22 *Secretary shall ensure that the Advisory Committee is*
23 *composed of not more than one individual rep-*
24 *resenting not more than 27 member organizations, in-*
25 *cluding representation of air carriers, all cargo air*

1 *transportation, indirect air carriers, labor organiza-*
2 *tions representing air carrier employees, aircraft*
3 *manufacturers, airport operators, general aviation,*
4 *and the aviation technology security industry, includ-*
5 *ing biometrics.*

6 “(2) *APPOINTMENTS.*—*Members shall be ap-*
7 *pointed by the Assistant Secretary, and the Assistant*
8 *Secretary shall have the discretion to review the par-*
9 *ticipation of any Advisory Committee member and*
10 *remove for cause at any time.*

11 “(c) *NONAPPLICABILITY OF FACA.*—*The Federal Ad-*
12 *visory Committee Act (5 U.S.C. App.) shall not apply to*
13 *the Advisory Committee under this section.*

14 “(d) *AIR CARGO SECURITY WORKING GROUP.*—

15 “(1) *IN GENERAL.*—*The Assistant Secretary*
16 *shall establish within the Advisory Committee an air*
17 *cargo security working group to provide recommenda-*
18 *tions for air cargo security issues, including the im-*
19 *plementation of the air cargo screening initiatives*
20 *proposed by the Transportation Security Administra-*
21 *tion to screen air cargo on passenger aircraft in ac-*
22 *cordance with established cargo screening mandates.*

23 “(2) *MEETINGS.*—*The working group shall meet*
24 *at least semiannually and provide annual reports to*
25 *the Assistant Secretary with recommendations to im-*

1 *prove the Administration’s cargo screening initiatives*
2 *established to meet all cargo screening mandates set*
3 *forth in section 44901(g) of title 49, United States*
4 *Code.*

5 “(3) *MEMBERSHIP.*—*The working group shall*
6 *include members from the Advisory Committee with*
7 *expertise in air cargo operations and representatives*
8 *from other stakeholders as determined by the Assistant*
9 *Secretary.*

10 “(4) *REPORTS.*—

11 “(A) *IN GENERAL.*—*The working group*
12 *shall prepare and submit reports to the Assistant*
13 *Secretary in accordance with this paragraph*
14 *that provide cargo screening mandate implemen-*
15 *tation recommendations.*

16 “(B) *SUBMISSION.*—*Not later than one year*
17 *after the date of enactment of this section and on*
18 *an annual basis thereafter, the working group*
19 *shall submit its first report to the Assistant Sec-*
20 *retary, including any recommendations of the*
21 *group—*

22 “(i) *to reduce redundancies and in-*
23 *crease efficiencies with the screening and in-*
24 *spection of inbound cargo; and*

1 “(ii) on the potential development of a
2 fee structure to help sustain cargo screening
3 efforts.”.

4 (b) *CLERICAL AMENDMENT.*—*The analysis for such*
5 *subchapter is amended by adding at the end the following:*

“44946. Aviation Security Advisory Committee.”.

6 **SEC. 210. GENERAL AVIATION SECURITY.**

7 (a) *IN GENERAL.*—*Subchapter II of chapter 449 of*
8 *title 49, United States Code, as amended by section 209*
9 *of this Act, is further amended by adding at the end the*
10 *following:*

11 **“§44947. General aviation security**

12 “(a) *GENERAL AVIATION SECURITY GRANT PRO-*
13 *GRAM.*—

14 “(1) *IN GENERAL.*—*The Assistant Secretary*
15 *shall carry out a general aviation security grant pro-*
16 *gram to enhance transportation security at general*
17 *aviation airports by making grants to operators of*
18 *general aviation airports for projects to enhance pe-*
19 *rimeter security, airfield security, and terminal secu-*
20 *rity.*

21 “(2) *ELIGIBLE PROJECTS.*—*Not later than one*
22 *year after the date of submission of the first report of*
23 *the working group under subsection (b), the Assistant*
24 *Secretary shall develop and make publically available*
25 *a list of approved eligible projects for such grants*

1 *under paragraph (1) based upon recommendations*
2 *made by the working group in such report.*

3 *“(3) FEDERAL SHARE.—The Federal share of the*
4 *cost of activities for which grants are made under this*
5 *subsection shall be 90 percent.*

6 *“(b) GENERAL AVIATION SECURITY WORKING*
7 *GROUP.—*

8 *“(1) IN GENERAL.—The Assistant Secretary*
9 *shall establish, within the Aviation Security Advisory*
10 *Committee established under section 44946, a general*
11 *aviation working group to advise the Transportation*
12 *Security Administration regarding transportation se-*
13 *curity issues for general aviation facilities general*
14 *aviation aircraft, and helicopter operations at general*
15 *aviation and commercial service airports.*

16 *“(2) MEETINGS.—The working group shall meet*
17 *at least semiannually and may convene additional*
18 *meetings as necessary.*

19 *“(3) MEMBERSHIP.—The Assistant Secretary*
20 *shall appoint members from the Aviation Security*
21 *Advisory Committee with general aviation experience.*

22 *“(4) REPORTS.—*

23 *“(A) SUBMISSION.—The working group*
24 *shall submit a report to the Assistant Secretary*

1 *with recommendations on ways to improve secu-*
 2 *rity at general aviation airports.*

3 “(B) *CONTENTS OF REPORT.*—*The report of*
 4 *the working group submitted to the Assistant*
 5 *Secretary under this paragraph shall include*
 6 *any recommendations of the working group for*
 7 *eligible security enhancement projects at general*
 8 *aviation airports to be funded by grants under*
 9 *subsection (a).*

10 “(C) *SUBSEQUENT REPORTS.*—*After sub-*
 11 *mitting the report, the working group shall con-*
 12 *tinue to report to the Assistant Secretary on gen-*
 13 *eral aviation aircraft and airports.*

14 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*From*
 15 *amounts made available under section 101 of the Transpor-*
 16 *tation Security Administration Authorization Act, there is*
 17 *authorized to be appropriated for making grants under sub-*
 18 *section (a) \$10,000,000 for each of fiscal years 2010 and*
 19 *2011.”.*

20 “(b) *CLERICAL AMENDMENT.*—*The analysis for such*
 21 *subchapter is further amended by adding at the end the fol-*
 22 *lowing:*

 “44947. *General aviation security.*”.

23 **SEC. 211. SECURITY AND SELF-DEFENSE TRAINING.**

24 “(a) *Section 44918(b) of title 49, United States Code,*
 25 *is amended—*

1 (1) by striking paragraph (1) and inserting the
2 *following:*

3 “(1) *SELF-DEFENSE TRAINING PROGRAM.*—Not
4 *later than 1 year after the date of enactment of the*
5 *Transportation Security Administration Authoriza-*
6 *tion Act, the Assistant Secretary shall provide ad-*
7 *vanced self-defense training of not less than 5 hours*
8 *during each 2-year period for all cabin crewmembers.*
9 *The Assistant Secretary shall consult with the Advi-*
10 *sory Committee, established under section 44946, and*
11 *cabin crew and air carrier representatives in devel-*
12 *oping a plan for providing self-defense training in*
13 *conjunction with existing recurrent training.”;*

14 (2) by striking paragraph (3) and inserting the
15 *following:*

16 “(3) *PARTICIPATION.*—A crewmember shall not
17 *be required to engage in any physical contact during*
18 *the training program under this subsection.”; and*

19 (3) by striking paragraph (4) and redesignating
20 paragraphs (5) through (7) as paragraphs (4)
21 *through (6), respectively.*

22 (b) *SECURITY TRAINING.*—Section 44918(a)(6) of title
23 49, United States Code, is amended by adding at the end
24 the following: “The Assistant Secretary shall establish an
25 oversight program for security training of cabin crew-

1 *members that includes developing performance measures*
 2 *and strategic goals for air carriers, and standard protocols*
 3 *for Transportation Security Administration oversight in-*
 4 *spectors, in accordance with recommendations by the In-*
 5 *spector General of the Department of Homeland Security*
 6 *and the Comptroller General.”.*

7 **SEC. 212. SECURITY SCREENING OF INDIVIDUALS WITH**
 8 **METAL IMPLANTS TRAVELING IN AIR TRANS-**
 9 **PORTATION.**

10 *(a) IN GENERAL.—Section 44903 of title 49, United*
 11 *States Code, is amended by adding at the end the following:*

12 *“(m) SECURITY SCREENING OF INDIVIDUALS WITH*
 13 *METAL IMPLANTS.—*

14 *“(1) IN GENERAL.—The Assistant Secretary*
 15 *shall ensure fair treatment in the screening of indi-*
 16 *viduals with metal implants traveling in air trans-*
 17 *portation.*

18 *“(2) PLAN.—The Assistant Secretary shall sub-*
 19 *mit a plan to the Committee on Homeland Security*
 20 *of the House of Representatives for improving security*
 21 *screening procedures for individuals with metal im-*
 22 *plants to limit disruptions in the screening process*
 23 *while maintaining security. The plan shall include*
 24 *benchmarks for implementing changes to the screening*
 25 *process and analysis of approaches to limit such dis-*

1 *ruptions for individuals with metal implants includ-*
 2 *ing participation in the Registered Traveler program,*
 3 *as established pursuant to section 109(a)(3) of the*
 4 *Aviation Transportation Security Act (115 Stat.*
 5 *597), and the development of a new credential or sys-*
 6 *tem that incorporates biometric technology and other*
 7 *applicable technologies to verify the identity of an in-*
 8 *dividual who has a metal implant.*

9 *“(3) METAL IMPLANT DEFINED.—In this sub-*
 10 *section, the term ‘metal implant’ means a metal de-*
 11 *vice or object that has been surgically implanted or*
 12 *otherwise placed in the body of an individual, includ-*
 13 *ing any metal device used in a hip or knee replace-*
 14 *ment, metal plate, metal screw, metal rod inside a*
 15 *bone, and other metal orthopedic implants.”.*

16 *(b) EFFECTIVE DATE.—Not later than 180 days after*
 17 *the date of enactment of the Transportation Security Ad-*
 18 *ministration Authorization Act, the Secretary of Homeland*
 19 *Security shall submit the plan for security screening proce-*
 20 *dures for individuals with metal implants, as required by*
 21 *section 44903(m) of title 49, United States Code.*

22 **SEC. 213. PROHIBITION ON OUTSOURCING.**

23 *Section 44903(j)(2)(C) of title 49, United States Code,*
 24 *is amended by adding at the end the following new clause:*

1 “(v) *OUTSOURCING PROHIBITED.*—
 2 *Upon implementation of the advanced pas-*
 3 *senger prescreening system required by this*
 4 *section, the Assistant Secretary shall pro-*
 5 *hibit any non-governmental entity from ad-*
 6 *ministering the function of comparing pas-*
 7 *senger information to the automatic selectee*
 8 *and no fly lists, consolidated and integrated*
 9 *terrorist watchlists, or any list or database*
 10 *derived from such watchlists for activities*
 11 *related to aviation security. The Assistant*
 12 *Secretary shall report to the Committee on*
 13 *Homeland Security of the House of Rep-*
 14 *resentatives and the Committee on Com-*
 15 *merce, Science, and Transportation of the*
 16 *Senate when any non-governmental entity*
 17 *is authorized access to the watchlists de-*
 18 *scribed in this clause.”.*

19 ***Subtitle B—Other Matters***

20 ***SEC. 221. SECURITY RISK ASSESSMENT OF AIRPORT PERIM-***
 21 ***ETER ACCESS CONTROLS.***

22 (a) *IN GENERAL.*—*The Assistant Secretary shall de-*
 23 *velop a strategic risk-based plan to improve transportation*
 24 *security at airports that includes best practices to make air-*

1 port perimeter access controls more secure at all commercial
2 service and general aviation airports.

3 (b) *CONTENTS.*—*The plan shall—*

4 (1) *incorporate best practices for enhanced pe-*
5 *rimeter access controls;*

6 (2) *evaluate and incorporate major findings of*
7 *all relevant pilot programs of the Transportation Se-*
8 *curity Administration;*

9 (3) *address recommendations of the Comptroller*
10 *General on perimeter access controls;*

11 (4) *include a requirement that airports update*
12 *their security plans to incorporate the best practices,*
13 *as appropriate, based on risk and adapt the best*
14 *practices to meet the needs specific to their facilities;*
15 *and*

16 (5) *include an assessment of the role of new and*
17 *emerging technologies, including unmanned and au-*
18 *tonomous perimeter security technologies, that could*
19 *be utilized at both commercial and general aviation*
20 *facilities.*

21 **SEC. 222. ADVANCED PASSENGER PRESCREENING SYSTEM.**

22 (a) *INITIAL REPORT.*—*Not later than 90 days after the*
23 *date of enactment of this Act, the Comptroller General shall*
24 *submit to the Committee on Homeland Security of the*

1 *House of Representatives and the Committee on Commerce,*
 2 *Science, and Transportation of the Senate a report that—*

3 *(1) describes the progress made by the Depart-*
 4 *ment of Homeland Security in implementing the ad-*
 5 *vanced passenger prescreening system;*

6 *(2) compares the total number of misidentified*
 7 *passengers who must undergo secondary screening or*
 8 *have been prevented from boarding a plane during the*
 9 *3-month period beginning 90 days before the date of*
 10 *enactment of the Transportation Security Adminis-*
 11 *tration Authorization Act with the 3-month period be-*
 12 *ginning 90 days after such date; and*

13 *(3) includes any other relevant recommendations*
 14 *that the Inspector General of the Department of*
 15 *Homeland Security or the Comptroller General deter-*
 16 *mines appropriate.*

17 *(b) SUBSEQUENT REPORTS.—The Comptroller General*
 18 *shall submit subsequent reports on the implementation to*
 19 *such Committees every 90 days thereafter until the imple-*
 20 *mentation is complete.*

21 **SEC. 223. BIOMETRIC IDENTIFIER AIRPORT ACCESS EN-**
 22 **HANCEMENT DEMONSTRATION PROGRAM.**

23 *(a) IN GENERAL.—The Assistant Secretary shall carry*
 24 *out a demonstration program under which biometric identi-*
 25 *fier access systems for individuals with unescorted access*

1 *to secure or sterile areas of an airport, including airport*
 2 *employees and flight crews, are evaluated for the purposes*
 3 *of enhancing transportation security at airports and to de-*
 4 *termine how airports can implement uniform biometric*
 5 *identifier and interoperable security systems.*

6 (b) *AIRPORTS PARTICIPATING IN PROGRAM.—The As-*
 7 *stant Secretary shall select at least 7 airports, including*
 8 *at least 2 large airports, to participate in the demonstra-*
 9 *tion program.*

10 (c) *INITIATION AND DURATION OF PROGRAM.—*

11 (1) *DEADLINE FOR INITIATION.—The Assistant*
 12 *Secretary shall conduct the demonstration program*
 13 *not later than one year after the date of enactment of*
 14 *this Act.*

15 (2) *DURATION.—The program shall have a dura-*
 16 *tion of not less than 180 days and not more than one*
 17 *year.*

18 (d) *REQUIRED ELEMENTS.—In conducting the dem-*
 19 *onstration program, the Assistant Secretary shall—*

20 (1) *assess best operational, administrative, and*
 21 *management practices in creating uniform, stand-*
 22 *ards-based, and interoperable biometric identifier sys-*
 23 *tems for all individuals with access to secure or sterile*
 24 *areas of commercial service airports; and*

1 (2) *conduct a risk-based analysis of the selected*
 2 *airports and other airports, as the Assistant Sec-*
 3 *retary determines appropriate, to identify where the*
 4 *implementation of biometric identifier systems could*
 5 *benefit security.*

6 (e) *CONSIDERATIONS.—In conducting the demonstra-*
 7 *tion program, the Assistant Secretary shall consider, at a*
 8 *minimum, the following:*

9 (1) *PARALLEL SYSTEMS.—Existing parallel bio-*
 10 *metric transportation security systems applicable to*
 11 *workers with unescorted access to transportation sys-*
 12 *tems, including—*

13 (A) *transportation worker identification*
 14 *credentials issued under section 70105 of title 46,*
 15 *United States Code;*

16 (B) *armed law enforcement travel creden-*
 17 *tials issued under section 44903(h)(6) of title 49,*
 18 *United States Code; and*

19 (C) *other credential and biometric identifier*
 20 *systems used by the Federal Government, as the*
 21 *Assistant Secretary considers appropriate.*

22 (2) *EFFORTS BY TRANSPORTATION SECURITY AD-*
 23 *MINISTRATION.—Any biometric identifier system or*
 24 *proposals developed by the Assistant Secretary.*

1 (3) *INFRASTRUCTURE AND TECHNICAL REQUIRE-*
2 *MENTS.—The architecture, modules, interfaces, and*
3 *transmission of data needed for airport security oper-*
4 *ations.*

5 (4) *EXISTING AIRPORT SYSTEMS.—Credentialing*
6 *and access control systems in use in secure and sterile*
7 *areas of airports.*

8 (5) *ASSOCIATED COSTS.—The costs of imple-*
9 *menting uniform, standards-based, and interoperable*
10 *biometric identifier systems at airports, including—*

11 (A) *the costs to airport operators, airport*
12 *workers, air carriers, and other aviation indus-*
13 *try stakeholders; and*

14 (B) *the costs associated with ongoing oper-*
15 *ations and maintenance and modifications and*
16 *enhancements needed to support changes in*
17 *physical and electronic infrastructure.*

18 (6) *INFORMATION FROM OTHER SOURCES.—Rec-*
19 *ommendations, guidance, and information from other*
20 *sources, including the Inspector General of the De-*
21 *partment of Homeland Security, the Comptroller*
22 *General, the heads of other governmental entities, or-*
23 *ganizations representing airport workers, and private*
24 *individuals and organizations.*

1 (f) *IDENTIFICATION OF BEST PRACTICES.*—*In con-*
 2 *ducting the demonstration program, the Assistant Secretary*
 3 *shall identify best practices for the administration of bio-*
 4 *metric identifier access at airports, including best practices*
 5 *for each of the following processes:*

6 (1) *Registration, vetting, and enrollment.*

7 (2) *Issuance.*

8 (3) *Verification and use.*

9 (4) *Expiration and revocation.*

10 (5) *Development of a cost structure for acquisi-*
 11 *tion of biometric identifier credentials.*

12 (6) *Development of redress processes for workers.*

13 (g) *CONSULTATION.*—*In conducting the demonstration*
 14 *program, the Assistant Secretary shall consult with the*
 15 *Aviation Security Advisory Committee regarding how air-*
 16 *ports may transition to uniform, standards-based, and*
 17 *interoperable biometric identifier systems for airport work-*
 18 *ers and others with unescorted access to secure or sterile*
 19 *areas of an airport.*

20 (h) *EVALUATION.*—*The Assistant Secretary shall con-*
 21 *duct an evaluation of the demonstration program to specifi-*
 22 *cally assess best operational, administrative, and manage-*
 23 *ment practices in creating a standard, interoperable, bio-*
 24 *metric identifier access system for all individuals with ac-*
 25 *cess to secure or sterile areas of commercial service airports.*

1 (i) *REPORT TO CONGRESS.*—Not later than 180 days
 2 after the last day of that demonstration program ends, the
 3 Assistant Secretary shall submit to the appropriate congres-
 4 sional committees, including the Committee on Homeland
 5 Security of the House of Representatives, a report on the
 6 results of the demonstration program. The report shall in-
 7 clude possible incentives for airports that voluntarily seek
 8 to implement uniform, standards-based, and interoperable
 9 biometric identifier systems.

10 (j) *BIOMETRIC IDENTIFIER SYSTEM DEFINED.*—In
 11 this section, the term “biometric identifier system” means
 12 a system that uses biometric identifier information to
 13 match individuals and confirm identity for transportation
 14 security and other purposes.

15 (k) *AUTHORIZATION OF APPROPRIATIONS.*—From
 16 amounts authorized under section 101, there is authorized
 17 to be appropriated a total of \$20,000,000 to carry out this
 18 section for fiscal years 2010 and 2011.

19 **SEC. 224. TRANSPORTATION SECURITY TRAINING PRO-**
 20 **GRAMS.**

21 Not later than one year after the date of enactment
 22 of this Act, the Assistant Secretary shall establish recurring
 23 training of transportation security officers regarding up-
 24 dates to screening procedures and technologies in response

1 *to weaknesses identified in covert tests at airports. The*
 2 *training shall include—*

3 *(1) internal controls for monitoring and docu-*
 4 *menting compliance of transportation security officers*
 5 *with training requirements;*

6 *(2) the availability of high-speed Internet and*
 7 *Intranet connectivity to all airport training facilities*
 8 *of the Administration; and*

9 *(3) such other matters as identified by the Assist-*
 10 *ant Secretary with regard to training.*

11 **SEC. 225. DEPLOYMENT OF TECHNOLOGY APPROVED BY**
 12 **SCIENCE AND TECHNOLOGY DIRECTORATE.**

13 *(a) IN GENERAL.—The Assistant Secretary, in con-*
 14 *sultation with the Directorate of Science and Technology*
 15 *of the Department of Homeland Security, shall develop and*
 16 *submit to the appropriate committees of Congress, including*
 17 *the Committee on Homeland Security of the House of Rep-*
 18 *resentatives, a strategic plan for the certification and inte-*
 19 *gration of technologies for transportation security with high*
 20 *approval or testing results from the Directorate and the*
 21 *Transportation Security Laboratory of the Department.*

22 *(b) CONTENTS OF STRATEGIC PLAN.—The strategic*
 23 *plan developed under subsection (a) shall include—*

24 *(1) a cost-benefit analysis to assist in*
 25 *prioritizing investments in new checkpoint screening*

1 *technologies that compare the costs and benefits of*
2 *screening technologies being considered for develop-*
3 *ment or acquisition with the costs and benefits of*
4 *other viable alternatives;*

5 *(2) quantifiable performance measures to assess*
6 *the extent to which investments in research, develop-*
7 *ment, and deployment of checkpoint screening tech-*
8 *nologies achieve performance goals for enhancing se-*
9 *curity at airport passenger checkpoints; and*

10 *(3) a method to ensure that operational tests and*
11 *evaluations have been successfully completed in an*
12 *operational environment before deploying checkpoint*
13 *screening technologies to airport checkpoints.*

14 *(c) REPORT TO CONGRESS.—*

15 *(1) IN GENERAL.—The Assistant Secretary shall*
16 *submit to the appropriate committees of Congress, in-*
17 *cluding the Committee on Homeland Security of the*
18 *House of Representatives, an annual report on the*
19 *status of all technologies that have undergone testing*
20 *and evaluation, including technologies that have been*
21 *certified by the Department, and any technologies*
22 *used in a demonstration program administered by the*
23 *Administration. The report shall also specify whether*
24 *the technology was submitted by an academic institu-*
25 *tion, including an institution of higher education eli-*

(2) *FIRST REPORT.*—*The first report submitted under this subsection shall assess such technologies for a period of not less than 2 years.*

8 *The Assistant Secretary shall consult with the Advi-*
9 *sory Committee and report to the appropriate committees*
10 *of Congress, including the Committee on Homeland Secu-*
11 *rity of the House of Representatives, on deploying optimal*
12 *baggage screening solutions and replacing baggage screen-*
13 *ing equipment nearing the end of its life cycle at commer-*
14 *cial service airports. Specifically, the report shall address*
15 *the Administration's plans, estimated costs, and current*
16 *benchmarks for replacing explosive detection equipment that*
17 *is nearing the end of its life cycle.*

20 (a) *FINDINGS.*—Congress finds the following:

(1) Since its inception, the Administration has procured and installed over 2,000 explosive detection systems (referred to in this section as “EDS”) and 8,000 explosive trace detection (referred to in this sec-

1 *tion as “ETD”) systems to screen checked baggage for*
2 *explosives at the Nation’s commercial airports.*

3 *(2) Initial deployment of stand-alone EDS ma-*
4 *chines in airport lobbies resulted in operational inef-*
5 *ficiencies and security risks as compared to using*
6 *EDS machines integrated in-line with airport bag-*
7 *gage conveyor systems.*

8 *(3) The Administration has acknowledged the*
9 *advantages of fully integrating in-line checked bag-*
10 *gage EDS systems, especially at large airports. Ac-*
11 *cording to the Administration, in-line EDS systems*
12 *have proven to be cost-effective and more accurate at*
13 *detecting dangerous items.*

14 *(4) As a result of the large upfront capital in-*
15 *vestment required, these systems have not been de-*
16 *ployed on a wide-scale basis. The Administration esti-*
17 *mates that installing and operating the optimal*
18 *checked baggage screening systems could potentially*
19 *cost more than \$20,000,000,000 over 20 years.*

20 *(5) Nearly \$2,000,000,000 has been appropriated*
21 *for the installation of in-line explosive detection sys-*
22 *tems, including necessary baggage handling system*
23 *improvements, since 2007.*

24 *(6) Despite substantial funding, the Administra-*
25 *tion has made limited progress in deploying optimal*

1 *screening solutions, including in-line systems, to 250*
2 *airports identified in its February 2006 strategic*
3 *planning framework.*

4 *(b) GAO REPORT.—The Comptroller General shall*
5 *submit to the Committee on Homeland Security of the*
6 *House of Representatives and the Committee on Commerce,*
7 *Science, and Transportation of the Senate a report on the*
8 *Administration’s progress in deploying optimal baggage*
9 *screening solutions and replacing aging baggage screening*
10 *equipment at the Nation’s commercial airports. The report*
11 *shall also include an analysis of the Administration’s meth-*
12 *odology for expending public funds to deploy in-line explo-*
13 *sive detection systems since 2007. The report shall address,*
14 *at a minimum—*

15 *(1) the Administration’s progress in deploying*
16 *optimal screening solutions at the Nation’s largest*
17 *commercial airports, including resources obligated*
18 *and expended through fiscal year 2009;*

19 *(2) the potential benefits and challenges associ-*
20 *ated with the deployment of optimal screening solu-*
21 *tions at the Nation’s commercial airports; and*

22 *(3) the Administration’s plans, estimated costs,*
23 *and current milestones for replacing EDS machines*
24 *that are nearing the end of their estimated useful*
25 *product lives.*

1 (c) *UPDATES REQUIRED.*—Not later than 6 months
 2 after submitting the report required in subsection (b) and
 3 every 6 months thereafter until the funds appropriated for
 4 such systems are expended, the Comptroller General shall
 5 provide the Committee on Homeland Security of the House
 6 of Representatives an update regarding its analysis of the
 7 Administration’s expenditures for explosive detection and
 8 in-line baggage systems.

9 **SEC. 228. GAO REPORT ON CERTAIN CONTRACTS AND USE**
 10 **OF FUNDS.**

11 Not later than 60 days after the date of enactment of
 12 this Act, and every 6 months thereafter, the Comptroller
 13 General shall submit to the Committee on Homeland Secu-
 14 rity of the House of Representatives and the Committee on
 15 Commerce, Science, and Transportation of the Senate a re-
 16 port regarding any funds made available by the Consoli-
 17 dated Security, Disaster Assistance, and Continuing Ap-
 18 propriations Act, 2009 (Public Law 110–329), the Omnibus
 19 Appropriations Act, 2009 (Public Law 111–8), or the Eco-
 20 nomic Stimulus Act of 2008 (Public Law 110–185) used
 21 by the Transportation Security Administration to award
 22 a contract for any explosive detection screening system or
 23 to implement any other screening or detection technology
 24 for use at an airport.

1 **SEC. 229. IG REPORT ON CERTAIN POLICIES FOR FEDERAL**
 2 **AIR MARSHALS.**

3 *Not later than 120 days after the date of enactment*
 4 *of this Act, the Inspector General of the Department of*
 5 *Homeland Security shall review the minimum standards*
 6 *and policies regarding rest periods between deployments*
 7 *and any other standards or policies applicable to Federal*
 8 *air marshals reporting to duty. After such review, the In-*
 9 *spector General shall make any recommendations to such*
 10 *standards and policies the Inspector General considers nec-*
 11 *essary to ensure an alert and responsible workforce of Fed-*
 12 *eral air marshals.*

13 **SEC. 230. EXPLOSIVES DETECTION CANINE TEAMS MIN-**
 14 **IMUM FOR AVIATION SECURITY.**

15 *The Assistant Secretary shall ensure that the number*
 16 *of explosives detection canine teams for aviation security*
 17 *is not less than 250 through fiscal year 2011.*

18 **SEC. 231. ASSESSMENTS AND GAO REPORT OF INBOUND**
 19 **AIR CARGO SCREENING.**

20 *Section 1602 of the Implementing Recommendations*
 21 *of the 9/11 Commission Act of 2007 (121 Stat. 478) is*
 22 *amended by inserting at the end the following:*

23 *“(c) ASSESSMENT OF INBOUND COMPLIANCE.—Upon*
 24 *establishment of the inbound air cargo screening system, the*
 25 *Assistant Secretary shall submit a report to the Committee*
 26 *on Homeland Security in the House of Representatives on*

1 *the impact, rationale, and percentage of air cargo being ex-*
2 *empted from screening under exemptions granted under sec-*
3 *tion 44901(i)(1) of title 49, United States Code.*

4 “(d) *GAO REPORT.*—Not later than 120 days after the
5 *date of enactment of this Act and quarterly thereafter, the*
6 *Comptroller General shall review the air cargo screening*
7 *system for inbound passenger aircraft and report to the*
8 *Committee on Homeland Security in the House of Rep-*
9 *resentatives on the status of implementation, including the*
10 *approximate percentage of cargo being screened, as well as*
11 *the Administration’s methods to verify the screening sys-*
12 *tem’s implementation.”.*

13 **SEC. 232. STATUS OF EFFORTS TO PROMOTE AIR CARGO**
14 **SHIPPER CERTIFICATION.**

15 *Not later than 180 days after the date of enactment*
16 *of this Act, the Assistant Secretary shall submit to the Com-*
17 *mittee on Homeland Security of the House of Representa-*
18 *tives and the Committee on Commerce, Science, and Trans-*
19 *portation of the Senate a report on the status of the imple-*
20 *mentation of the Administration’s plan to promote a pro-*
21 *gram to certify the screening methods used by shippers in*
22 *a timely manner, in accordance with section 44901(g) of*
23 *title 49, United States Code, including participation by*
24 *shippers with robust and mature internal security pro-*
25 *grams.*

1 **SEC. 233. FULL AND OPEN COMPETITION IN SECURITY**

2 **BACKGROUND SCREENING SERVICE.**

3 *Not later than 9 months after the date of enactment*
4 *of this section, the Secretary shall publish in the Federal*
5 *Register a notice that the selection process for security back-*
6 *ground screening services for persons requiring background*
7 *screening in the aviation industry is subject to full and*
8 *open competition. The notice shall include—*

9 *(1) a statement that airports and other affected*
10 *entities are not required to use a single service pro-*
11 *vider of background screening services and may use*
12 *the services of other providers approved by the Assist-*
13 *ant Secretary;*

14 *(2) requirements for disposal of personally iden-*
15 *tifiable information by the approved provider by a*
16 *date certain; and*

17 *(3) information on all technical specifications*
18 *and other criteria required by the Assistant Secretary*
19 *to approve a background screening service provider.*

20 **SEC. 234. REGISTERED TRAVELER.**

21 *(a) ASSESSMENTS AND BACKGROUND CHECKS.—*

22 *(1) IN GENERAL.—Subject to paragraph (2) and*
23 *not later than 120 days after the date of enactment*
24 *of this Act, to enhance aviation security through risk*
25 *management at airport checkpoints through use of the*
26 *Registered Traveler program, established pursuant to*

1 *section 109(a)(3) of the Aviation Transportation Se-*
2 *curity Act (115 Stat. 597), the Assistant Secretary*
3 *shall—*

4 *(A) reinstate an initial and continuous se-*
5 *curity threat assessment program as part of the*
6 *Registered Traveler enrollment process; and*

7 *(B) allow Registered Traveler providers to*
8 *perform private sector background checks as part*
9 *of their enrollment process with assurance that*
10 *the program shall be undertaken in a manner*
11 *consistent with constitutional privacy and civil*
12 *liberties protections and be subject to approval*
13 *and oversight by the Assistant Secretary.*

14 *(2) REQUIREMENTS.—The Assistant Secretary*
15 *shall not reinstate the threat assessment component of*
16 *the Registered Traveler program or allow certain*
17 *background checks unless the Assistant Secretary—*

18 *(A) determines that the Registered Traveler*
19 *program, in accordance with this subsection, is*
20 *integrated into risk-based aviation security oper-*
21 *ations; and*

22 *(B) expedites checkpoint screening, as ap-*
23 *propriate, for Registered Traveler members who*
24 *have been subjected to a security threat assess-*

1 *ment and the private sector background check*
2 *under this subsection.*

3 **(b) NOTIFICATION.**—

4 **(1) CONTENTS.**—*Not later than 180 days after*
5 *the date of enactment of this Act, if the Assistant Sec-*
6 *retary determines that the Registered Traveler pro-*
7 *gram can be integrated into risk-based aviation secu-*
8 *rity operations under subsection (a), the Assistant*
9 *Secretary shall report to the Committee on Homeland*
10 *Security of the House of Representatives and the*
11 *Committee on Commerce, Science, and Transpor-*
12 *tation of the Senate regarding—*

13 *(A) the level of risk reduction provided by*
14 *carrying out section (a); and*

15 *(B) how the Registered Traveler program*
16 *has been integrated into risk-based aviation secu-*
17 *rity operations.*

18 **(2) CHANGES TO PROTOCOL.**—*The Assistant Sec-*
19 *retary shall also set forth what changes to the pro-*
20 *gram, including screening protocols, have been imple-*
21 *mented to realize the full potential of the Registered*
22 *Traveler program.*

23 **(c) RULE OF CONSTRUCTION.**—*Nothing in this section*
24 *shall be construed to authorize any nongovernmental entity*

1 *to perform vetting against the terrorist screening database*
2 *maintained by the Administration.*

3 **SEC. 235. REPORT ON CABIN CREW COMMUNICATION.**

4 *Not later than one year after the date of enactment*
5 *of this Act, the Assistant Secretary, in consultation with*
6 *the Advisory Committee established under section 44946 of*
7 *title 49, United States Code, shall prepare a report that*
8 *assesses technologies and includes standards for the use of*
9 *wireless devices to enhance transportation security on air-*
10 *craft for the purpose of ensuring communication between*
11 *and among cabin crew and pilot crewmembers, embarked*
12 *Federal air marshals, and authorized law enforcement offi-*
13 *cials, as appropriate.*

14 **SEC. 236. AIR CARGO CREW TRAINING.**

15 *The Assistant Secretary, in consultation with the Ad-*
16 *visory Committee established under section 44946 of title*
17 *49, United States Code, shall develop a plan for security*
18 *training for the all-cargo aviation threats for pilots and,*
19 *as appropriate, other crewmembers operating in all-cargo*
20 *transportation.*

21 **SEC. 237. REIMBURSEMENT FOR AIRPORTS THAT HAVE IN-**
22 **CURRED ELIGIBLE COSTS.**

23 *Section 1604(b)(2) of the Implementing Recommenda-*
24 *tions of the 9/11 Commission Act of 2007 (121 Stat. 481)*
25 *is amended to read as follows:*

1 “(2) *AIRPORTS THAT HAVE INCURRED ELIGIBLE*
2 *COSTS.—*

3 “(A) *IN GENERAL.—Not later than 60 days*
4 *after the date of enactment of the Transportation*
5 *Security Administration Authorization Act, the*
6 *Assistant Secretary of Homeland Security*
7 *(Transportation Security Administration) shall*
8 *establish a process for resolving reimbursement*
9 *claims for airports that have incurred, before the*
10 *date of enactment of this Act, eligible costs asso-*
11 *ciated with development of partial or completed*
12 *in-line baggage systems.*

13 “(B) *PROCESS FOR RECEIVING REIMBURSE-*
14 *MENT.—The process shall allow an airport—*

15 “(i) *to submit a claim to the Assistant*
16 *Secretary for reimbursement for eligible*
17 *costs described in subparagraph (A); and*

18 “(ii) *not later than 180 days after date*
19 *on which the airport submits the claim, to*
20 *receive a determination on the claim and, if*
21 *the determination is positive, to be reim-*
22 *bursed.*

23 “(C) *REPORT.—Not later than 60 days*
24 *after the date on which the Assistant Secretary*
25 *establishes the process under subparagraph (B),*

1 *the Assistant Secretary shall submit to the Com-*
 2 *mittee on Homeland Security of the House of*
 3 *Representatives a report containing a descrip-*
 4 *tion of the process, including a schedule for the*
 5 *timely reimbursement of airports for which a*
 6 *positive determination has been made.”.*

7 **SEC. 238. REPORT ON WHOLE BODY IMAGING TECHNOLOGY.**

8 *Upon completion of the ongoing whole body imaging*
 9 *technology pilot, the Assistant Secretary shall submit a re-*
 10 *port to the Committee on Homeland Security of the House*
 11 *of Representatives and the Committee on Commerce,*
 12 *Science, and Transportation of the Senate on the results*
 13 *of the pilot, including how privacy protections were inte-*
 14 *grated.*

15 **SEC. 239. PROTECTIVE EQUIPMENT.**

16 *(a) IN GENERAL.—Not later than 180 days after the*
 17 *date of enactment of the Transportation Security Adminis-*
 18 *tration Authorization Act, the Secretary of Homeland Secu-*
 19 *rity shall develop protocols for the use of protective equip-*
 20 *ment for personnel of the Transportation Security Adminis-*
 21 *tration and for other purposes.*

22 *(b) DEFINITION.—In this section the term “protective*
 23 *equipment” includes surgical masks and N95 masks.*

**TITLE III—SURFACE
TRANSPORTATION SECURITY**

SEC. 301. ASSISTANT SECRETARY DEFINED.

Section 1301 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1111) is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of Homeland Security (Transportation Security Administration).”.

SEC. 302. SURFACE TRANSPORTATION SECURITY INSPECTION PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Surface transportation security inspectors assist passenger rail stakeholders in identifying security gaps through Baseline Assessment for Security Enhancement (“BASE”) reviews, monitor freight rail stakeholder efforts to reduce the risk that toxic inhalation hazard shipments pose to high threat urban areas through Security Action Item (“SAI”) reviews, and assist in strengthening chain of custody security.

1 (2) *Surface transportation security inspectors*
 2 *play a critical role in building and maintaining*
 3 *working relationships with transit agencies and act-*
 4 *ing as liaisons between such agencies and the Trans-*
 5 *portation Security Operations Center, relationships*
 6 *which are vital to effective implementation of the sur-*
 7 *face transportation security mission.*

8 (3) *In December 2006, the Transportation Secu-*
 9 *rity Administration shifted from a system in which*
 10 *surface transportation security inspectors reported to*
 11 *surface-focused supervisors to a system in which in-*
 12 *spectors report to aviation-focused supervisors in the*
 13 *field; a shift which has resulted in a strained chain*
 14 *of command, misappropriation of inspectors to non-*
 15 *surface activities, the hiring of senior-level inspectors*
 16 *with no surface qualifications, and significant dam-*
 17 *age to relationships with transit agencies and inspec-*
 18 *tor morale.*

19 (b) *SURFACE TRANSPORTATION SECURITY INSPECTION*
 20 *OFFICE.—Section 1304 of the Implementing Recommenda-*
 21 *tions of the 9/11 Commission Act of 2007 (6 U.S.C. 1113)*
 22 *is amended—*

23 (1) *by redesignating subsections (c) through (j)*
 24 *as subsections (b) through (i), respectively; and*

1 (2) *by striking subsections (a) and (b) and in-*
2 *serting the following:*

3 “(a) *SURFACE TRANSPORTATION SECURITY INSPEC-*
4 *TION OFFICE.*—

5 “(1) *ESTABLISHMENT.*—*The Secretary, acting*
6 *through the Assistant Secretary, shall establish an of-*
7 *fice to be known as the Surface Transportation Secu-*
8 *rity Inspection Office (in this section referred to as*
9 *the ‘Office’).*

10 “(2) *MISSION.*—*The Secretary shall use the Of-*
11 *fice to train, employ, and utilize surface transpor-*
12 *tation security inspectors to—*

13 “(A) *assist surface transportation carriers,*
14 *operators, owners, entities, and facilities to en-*
15 *hance their security against terrorist attacks and*
16 *other security threats; and*

17 “(B) *assist the Secretary in enforcing appli-*
18 *cable surface transportation security regulations*
19 *and directives.*

20 “(3) *OFFICERS.*—

21 “(A) *DIRECTOR.*—*The head of the Office*
22 *shall be the Director, who shall—*

23 “(i) *oversee and coordinate the activi-*
24 *ties of the Office, including all officers and*
25 *any corresponding surface transportation*

1 *modes in which the Office carries out such*
2 *activities, and the surface transportation se-*
3 *curity inspectors who assist in such activi-*
4 *ties; and*

5 “(ii) *act as the primary point of con-*
6 *tact between the Office and other entities*
7 *that support the Department’s surface*
8 *transportation security mission to ensure ef-*
9 *ficent and appropriate use of surface trans-*
10 *portation security inspectors and maintain*
11 *strong working relationships with surface*
12 *transportation security stakeholders.*

13 “(B) *DEPUTY DIRECTOR.—There shall be a*
14 *Deputy Director of the Office, who shall—*

15 “(i) *assist the Director in carrying out*
16 *the responsibilities of the Director under*
17 *this subsection; and*

18 “(ii) *serve as acting Director in the ab-*
19 *sence of the Director and during any va-*
20 *cancy in the office of Director.*

21 “(4) *APPOINTMENT.—*

22 “(A) *IN GENERAL.—The Director and Dep-*
23 *uty Director shall be responsible on a full-time*
24 *basis for the duties and responsibilities described*
25 *in this subsection.*

1 “(B) *CLASSIFICATION.*—*The position of Di-*
2 *rector shall be considered a position in the Sen-*
3 *ior Executive Service as defined in section 2101a*
4 *of title 5, United States Code, and the position*
5 *of Deputy Director shall be considered a position*
6 *classified at grade GS-15 of the General Sched-*
7 *ule.*

8 “(5) *LIMITATION.*—*No person shall serve as an*
9 *officer under subsection (a)(3) while serving in any*
10 *other position in the Federal Government.*

11 “(6) *FIELD OFFICES.*—

12 “(A) *ESTABLISHMENT.*—*The Secretary shall*
13 *establish primary and secondary field offices in*
14 *the United States to be staffed by surface trans-*
15 *portation security inspectors in the course of car-*
16 *rying out their duties under this section.*

17 “(B) *DESIGNATION.*—*The locations for, and*
18 *designation as ‘primary’ or ‘secondary’ of, such*
19 *field offices shall be determined in a manner that*
20 *is consistent with the Department’s risk-based*
21 *approach to carrying out its homeland security*
22 *mission.*

23 “(C) *COMMAND STRUCTURE.*—

24 “(i) *PRIMARY FIELD OFFICES.*—*Each*
25 *primary field office shall be led by a chief*

1 *surface transportation security inspector,*
2 *who has significant experience with surface*
3 *transportation systems, facilities, and oper-*
4 *ations and shall report directly to the Di-*
5 *rector.*

6 “(ii) *SECONDARY FIELD OFFICES.—*
7 *Each secondary field office shall be led by a*
8 *senior surface transportation security in-*
9 *spector, who shall report directly to the chief*
10 *surface transportation security inspector of*
11 *a geographically appropriate primary field*
12 *office, as determined by the Director.*

13 “(D) *PERSONNEL.—Not later than 18*
14 *months after the date of enactment of the Trans-*
15 *portation Security Administration Authorization*
16 *Act, field offices shall be staffed with—*

17 “(i) *not fewer than 7 surface transpor-*
18 *tation security inspectors, including one*
19 *chief surface transportation security inspec-*
20 *tor, at every primary field office; and*

21 “(ii) *not fewer than 5 surface trans-*
22 *portation security inspectors, including one*
23 *senior surface transportation security in-*
24 *spector, at every secondary field office.”.*

1 (c) *NUMBER OF INSPECTORS.*—Section 1304(e) of such
 2 Act (6 U.S.C. 1113(e)), as redesignated by subsection (b)
 3 of this section, is amended to read as follows:

4 “(e) *NUMBER OF INSPECTORS.*—Subject to the avail-
 5 ability of appropriations, the Secretary shall hire not fewer
 6 than—

7 “(1) 200 additional surface transportation secu-
 8 rity inspectors in fiscal year 2010; and

9 “(2) 100 additional surface transportation secu-
 10 rity inspectors in fiscal year 2011.”.

11 (d) *COORDINATION.*—Section 1304(f) of such Act (6
 12 U.S.C. 1113(f)), as redesignated by subsection (b) of this
 13 section, is amended by striking “114(t)” and inserting
 14 “114(s)”.

15 (e) *REPORT.*—Section 1304(h) of such Act (6 U.S.C.
 16 1113(h)), as redesignated by subsection (b) of this section,
 17 is amended by striking “2008” and inserting “2011”.

18 (f) *PLAN.*—Section 1304(i) of such Act (6 U.S.C.
 19 1113(i)), as redesignated by subsection (b) of this section,
 20 is amended to read as follows:

21 “(i) *PLAN.*—

22 “(1) *IN GENERAL.*—Not later than 180 days
 23 after the date of enactment of the Transportation Se-
 24 curity Administration Authorization Act, the Sec-
 25 retary shall submit to the Committee on Homeland

1 *Security of the House of Representatives and the*
2 *Committee on Homeland Security and Governmental*
3 *Affairs of the Senate a plan for expanding the duties*
4 *and leveraging the expertise of surface transportation*
5 *security inspectors to further support the Depart-*
6 *ment's surface transportation security mission.*

7 “(2) CONTENTS.—The plan shall include—

8 “(A) an analysis of how surface transpor-

9 tation security inspectors could be used to con-

10 duct oversight activities with respect to surface

11 transportation security projects funded by rel-

12 evant grant programs administered by the De-

13 partment;

14 “(B) an evaluation of whether authorizing

15 surface transportation security inspectors to ob-

16 tain or possess law enforcement qualifications or

17 status would enhance the capacity of the Office

18 to take an active role in the Department's sur-

19 face transportation security operations; and

20 “(C) any other potential functions relating

21 to surface transportation security the Secretary

22 determines appropriate.”.

23 (g) AUTHORIZATION OF APPROPRIATIONS.—Section

24 1304 of such Act (6 U.S.C. 1113) is amended by adding

25 at the end the following:

1 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—From
 2 *amounts made available under section 101 of the Transpor-*
 3 *tation Security Administration Authorization Act, there*
 4 *are authorized to be appropriated such sums as may be nec-*
 5 *essary to the Secretary to carry out this section for fiscal*
 6 *years 2010 and 2011.”.*

7 (h) *CONFORMING AMENDMENT.*—Section 1304(b) of
 8 *such Act (6 U.S.C. 1113(b)), as redesignated by subsection*
 9 *(b) of this section, is amended by striking “subsection (e)”*
 10 *and inserting “subsection (d)”.*

11 **SEC. 303. VISIBLE INTERMODAL PREVENTION AND RE-**
 12 **SPONSE TEAMS.**

13 *Section 1303 of the Implementing Recommendations*
 14 *of the 9/11 Commission Act of 2007 (6 U.S.C. 1112) is*
 15 *amended—*

16 (1) *in subsection (a) by striking “Administrator*
 17 *of the Transportation Security Administration,” and*
 18 *inserting “Assistant Secretary,”;*

19 (2) *in subsection (a)(4) by striking “team,” and*
 20 *inserting “team as to specific locations and times*
 21 *within their facilities at which VIPR teams should be*
 22 *deployed to maximize the effectiveness of such deploy-*
 23 *ment and other matters,”; and*

24 (3) *by striking subsection (b) and inserting the*
 25 *following:*

1 “(b) *PERFORMANCE MEASURES.*—Not later than one
2 year after the date of enactment of the Transportation Secu-
3 rity Administration Authorization Act, the Secretary shall
4 develop and implement a system of qualitative performance
5 measures and objectives by which to assess the roles, activi-
6 ties, and effectiveness of VIPR team operations on an ongo-
7 ing basis, including a mechanism through which the trans-
8 portation entities listed in subsection (a)(4) may submit
9 feedback on VIPR team operations involving their systems
10 or facilities.

11 “(c) *PLAN.*—Not later than one year after the date of
12 enactment of the Transportation Security Administration
13 Authorization Act, the Secretary shall develop and imple-
14 ment a plan for ensuring the interoperability of commu-
15 nications among all participating VIPR team components
16 as designated under subsection (a)(1) and between VIPR
17 teams and any relevant transportation entities as des-
18 ignated in subsection (a)(4) whose systems or facilities are
19 involved in VIPR team operations, including an analysis
20 of the costs and resources required to carry out the plan.

21 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—From
22 amounts made available under section 101 of the Transpor-
23 tation Security Administration Authorization Act, there
24 are authorized to be appropriated to the Secretary to carry

1 out this section such sums as may be necessary for fiscal
 2 years 2010 and 2011.”.

3 **SEC. 304. SURFACE TRANSPORTATION SECURITY STAKE-**
 4 **HOLDER PARTICIPATION.**

5 (a) *IN GENERAL.*—Title XIII of the Implementing
 6 Recommendations of the 9/11 Commission Act of 2007 (6
 7 U.S.C. 1111 et seq.) is amended by adding at the end the
 8 following:

9 **“SEC. 1311. TRANSIT SECURITY ADVISORY COMMITTEE.**

10 **“(a) ESTABLISHMENT.**—

11 **“(1) IN GENERAL.**—The Assistant Secretary
 12 shall establish in the Transportation Security Admin-
 13 istration an advisory committee, to be known as the
 14 Transit Security Advisory Committee (in this section
 15 referred to as the ‘Advisory Committee’), to assist the
 16 Assistant Secretary with issues pertaining to surface
 17 transportation security.

18 **“(2) RECOMMENDATIONS.**—

19 **“(A) IN GENERAL.**—The Assistant Secretary
 20 shall require the Advisory Committee to develop
 21 recommendations for improvements to surface
 22 transportation security planning, methods,
 23 equipment, and processes.

24 **“(B) PRIORITY ISSUES.**—Not later than one
 25 year after the date of enactment of the Transpor-

1 *tation Security Administration Authorization*
2 *Act, the Advisory Committee shall submit to the*
3 *Assistant Secretary recommendations on—*

4 *“(i) improving homeland security in-*
5 *formation sharing between components of*
6 *the Department of Homeland Security and*
7 *surface transportation security stakeholders,*
8 *including those represented on the Advisory*
9 *Committee; and*

10 *“(ii) streamlining or consolidating re-*
11 *dundant security background checks re-*
12 *quired by the Department under relevant*
13 *statutes governing surface transportation se-*
14 *curity, as well as redundant security back-*
15 *ground checks required by States where*
16 *there is no legitimate homeland security*
17 *basis for requiring such checks.*

18 *“(3) MEETINGS.—The Assistant Secretary shall*
19 *require the Advisory Committee to meet at least semi-*
20 *annually and may convene additional meetings as*
21 *necessary.*

22 *“(4) UNPAID POSITION.—Advisory Committee*
23 *Members shall serve at their own expense and receive*
24 *no salary, reimbursement for travel expenses, or other*
25 *compensation from the Federal Government.*

1 “(b) *MEMBERSHIP.*—

2 “(1) *IN GENERAL.*—*The Assistant Secretary*
3 *shall ensure that the Advisory Committee is composed*
4 *of not more than one individual representing not*
5 *more than 27 member organizations, including rep-*
6 *resentatives from public transportation agencies, pas-*
7 *senger rail agencies or operators, railroad carriers,*
8 *motor carriers, owners or operators of highways, over-*
9 *the-road bus operators and terminal owners and oper-*
10 *ators, pipeline operators, labor organizations rep-*
11 *resenting employees of such entities, and the surface*
12 *transportation security technology industry.*

13 “(2) *APPOINTMENTS.*—*Members shall be ap-*
14 *pointed by the Assistant Secretary and the Assistant*
15 *Secretary shall have the discretion to review the par-*
16 *ticipation of any Advisory Committee member and*
17 *remove for cause at any time.*

18 “(c) *NONAPPLICABILITY OF FACA.*—*The Federal Ad-*
19 *visory Committee Act (5 U.S.C. App.) shall not apply to*
20 *the Advisory Committee under this section.*

21 “(d) *PASSENGER CARRIER SECURITY WORKING*
22 *GROUP.*—

23 “(1) *IN GENERAL.*—*The Assistant Secretary*
24 *shall establish within the Advisory Committee a pas-*
25 *senger carrier security working group to provide rec-*

1 *ommendations for successful implementation of ini-*
2 *tiatives relating to passenger rail, over-the-road bus,*
3 *and public transportation security proposed by the*
4 *Transportation Security Administration in accord-*
5 *ance with statutory requirements, including relevant*
6 *grant programs and security training provisions.*

7 “(2) *MEETINGS.*—*The working group shall meet*
8 *at least semiannually and provide annual reports to*
9 *the Assistant Secretary with recommendations to im-*
10 *prove the Transportation Security Administration’s*
11 *initiatives relating to passenger rail, over-the-road*
12 *bus, and public transportation security, including*
13 *grant, training, inspection, or other relevant pro-*
14 *grams authorized in titles XIII and XIV, and subtitle*
15 *C of title XV of this Act.*

16 “(3) *MEMBERSHIP.*—*The working group shall be*
17 *composed of members from the Advisory Committee*
18 *with expertise in public transportation, over-the-road*
19 *bus, or passenger rail systems and operations, all ap-*
20 *pointed by the Assistant Secretary.*

21 “(4) *REPORTS.*—

22 “(A) *IN GENERAL.*—*The working group*
23 *shall prepare and submit reports to the Assistant*
24 *Secretary in accordance with this paragraph*

1 *that provide recommendations as described in*
2 *paragraphs (1) and (2).*

3 “(B) *SUBMISSION.*—*Not later than one year*
4 *after the date of enactment of the Transportation*
5 *Security Administration Authorization Act, and*
6 *on an annual basis thereafter, the working group*
7 *shall submit a report on the findings and rec-*
8 *ommendations developed under subparagraph*
9 *(A) to the Assistant Secretary.*

10 “(e) *FREIGHT RAIL SECURITY WORKING GROUP.*—

11 “(1) *IN GENERAL.*—*The Assistant Secretary*
12 *shall establish within the Advisory Committee a*
13 *freight rail security working group to provide rec-*
14 *ommendations for successful implementation of ini-*
15 *tiatives relating to freight rail security proposed by*
16 *the Transportation Security Administration in ac-*
17 *cordance with statutory requirements, including rel-*
18 *evant grant programs and security training provi-*
19 *sions.*

20 “(2) *MEETINGS.*—*The working group shall meet*
21 *at least semiannually and provide annual reports to*
22 *the Assistant Secretary with recommendations to im-*
23 *prove the Transportation Security Administration’s*
24 *initiatives relating to freight rail security, including*

1 *grant, training, inspection, or other relevant pro-*
2 *grams authorized in titles XIII and XV of this Act.*

3 “(3) *MEMBERSHIP.*—*The working group shall be*
4 *composed of members from the Advisory Committee*
5 *with expertise in freight rail systems and operations,*
6 *all appointed by the Assistant Secretary.*

7 “(4) *REPORTS.*—

8 “(A) *IN GENERAL.*—*The working group*
9 *shall prepare and submit reports to the Assistant*
10 *Secretary in accordance with this paragraph*
11 *that provide recommendations as described in*
12 *paragraphs (1) and (2).*

13 “(B) *SUBMISSION.*—*Not later than one year*
14 *after the date of enactment of the Transportation*
15 *Security Administration Authorization Act, and*
16 *on an annual basis thereafter, the working group*
17 *shall submit a report on the findings and rec-*
18 *ommendations developed under subparagraph*
19 *(A) to the Assistant Secretary.”.*

20 (b) *CONFORMING AMENDMENT.*—*Section 1(b) of the*
21 *Implementing Recommendations of the 9/11 Commission*
22 *Act of 2007 (Public Law 110–53) is amended by adding*
23 *at the end of title XIII (Transportation Security Enchant-*
24 *ments) the following:*

 “*Sec. 1311. Transit Security Advisory Committee.*”.

1 **SEC. 305. HUMAN CAPITAL PLAN FOR SURFACE TRANSPOR-**
2 **TATION SECURITY PERSONNEL.**

3 (a) *IN GENERAL.*—Not later than one year after the
4 date of enactment of this Act, the Assistant Secretary shall
5 submit to the Committee on Homeland Security of the
6 House of Representatives and the Committee on Homeland
7 Security and Governmental Affairs of the Senate a human
8 capital plan for hiring, training, managing, and compen-
9 sating surface transportation security personnel, including
10 surface transportation security inspectors.

11 (b) *CONSULTATION.*—In developing the human capital
12 plan, the Assistant Secretary shall consult with the chief
13 human capital officer of the Department of Homeland Secu-
14 rity, the Director of the Surface Transportation Security
15 Inspection Office, the Inspector General of the Department
16 of Homeland Security, and the Comptroller General.

17 (c) *APPROVAL.*—Prior to submission, the human cap-
18 ital plan shall be reviewed and approved by the chief
19 human capital officer of the Department of Homeland Secu-
20 rity.

21 **SEC. 306. SURFACE TRANSPORTATION SECURITY TRAINING.**

22 (a) *STATUS REPORT.*—Not later than 30 days after
23 the date of enactment of this Act, the Secretary shall submit
24 a report to the Committee on Homeland Security of the
25 House of Representatives and the Committee on Homeland
26 Security and Governmental Affairs of the Senate on the sta-

1 *tus of the Department's implementation of sections 1408,*
 2 *1517, and 1534 of the Implementing Recommendations of*
 3 *the 9/11 Commission Act of 2007 (6 U.S.C. 1137, 1167, and*
 4 *1184), including detailed timeframes for development and*
 5 *issuance of the transportation security training regulations*
 6 *required under such sections.*

7 **(b) PRIVATE PROVIDERS.**—*Not later than one year*
 8 *after the date of enactment of this Act, the Assistant Sec-*
 9 *retary shall identify criteria and establish a process for ap-*
 10 *proving and maintaining a list of approved private third-*
 11 *party providers of security training with whom surface*
 12 *transportation entities may enter into contracts, as needed,*
 13 *for the purpose of satisfying security training requirements*
 14 *of the Department of Homeland Security, including re-*
 15 *quirements developed under sections 1408, 1517, and 1534*
 16 *of the Implementing Recommendations of the 9/11 Commis-*
 17 *sion Act of 2007 (6 U.S.C. 1137, 1167, and 1184), in ac-*
 18 *cordance with section 103 of this Act.*

19 **SEC. 307. SECURITY ASSISTANCE IG REPORT.**

20 **(a) IN GENERAL.**—*Not later than 180 days after the*
 21 *date of enactment of this Act, the Inspector General of the*
 22 *Department of Homeland Security shall submit to the Com-*
 23 *mittee on Homeland Security of the House of Representa-*
 24 *tives and the Committee on Homeland Security and Gov-*
 25 *ernmental Affairs of the Senate a report on the roles and*

1 *responsibilities of the Transportation Security Administra-*
2 *tion and any other relevant component of the Department*
3 *of Homeland Security in administering security assistance*
4 *grants under section 1406 of the Implementing Rec-*
5 *ommendations of the 9/11 Commission Act of 2007 (6*
6 *U.S.C. 1135).*

7 (b) *CONTENTS.—The report shall—*

8 (1) *clarify and describe the roles and responsibil-*
9 *ities of each relevant component of the Department,*
10 *including the Transportation Security Administra-*
11 *tion, at different stages of the grant process, including*
12 *the allocation stage, the award stage, and the dis-*
13 *tribution stage;*

14 (2) *identify areas in which relevant components*
15 *of the Department, including the Transportation Se-*
16 *curity Administration, may better integrate or co-*
17 *ordinate their activities in order to streamline the*
18 *grant administration process and improve the effi-*
19 *ciency of the project approval process for grantees;*

20 (3) *assess the current state of public transpor-*
21 *tation and passenger rail security expertise possessed*
22 *by relevant personnel involved in the grant adminis-*
23 *tration or project approval processes carried out by*
24 *relevant components of the Department, including the*
25 *Transportation Security Administration; and*

1 (4) *include recommendations for how each rel-*
 2 *evant component of the Department, including the*
 3 *Transportation Security Administration, may further*
 4 *clarify, coordinate, or maximize its roles and respon-*
 5 *sibilities in administering grant funds and approving*
 6 *grant projects under section 1406.*

7 **SEC. 308. INTERNATIONAL LESSONS LEARNED FOR SECUR-**
 8 **ING PASSENGER RAIL AND PUBLIC TRANS-**
 9 **PORTATION SYSTEMS.**

10 (a) *FINDINGS.—Congress finds that—*

11 (1) *numerous terrorist attacks since September*
 12 *11, 2001, have targeted passenger rail or public*
 13 *transportation systems;*

14 (2) *nearly 200 people were killed and almost*
 15 *2,000 more were injured when terrorists set off 10 si-*
 16 *multaneous explosions on 4 commuter trains in Ma-*
 17 *drid, Spain, on March 11, 2004;*

18 (3) *50 people were killed and more than 700 in-*
 19 *jured in successive bombings of 3 transit stations and*
 20 *a public bus in London, England, on July 7, 2005,*
 21 *and a second attack against 4 similar targets on July*
 22 *21, 2005, failed because of faulty detonators;*

23 (4) *more than 200 people were killed and more*
 24 *than 700 injured in simultaneous terrorist bombings*

1 of commuter trains on the Western Line in the sub-
2 urbs of Mamba, India, on July 11, 2006;

3 (5) the acts of terrorism in Mamba, India, on
4 November 26, 2008, included commando-style attacks
5 on a major railway station; and

6 (6) a disproportionately low amount of attention
7 and resources have been devoted to surface transpor-
8 tation security by the Department of Homeland Secu-
9 rity, including the security of passenger rail and pub-
10 lic transportation systems, as compared with aviation
11 security, which has been the primary focus of Federal
12 transportation security efforts generally, and of the
13 Transportation Security Administration in par-
14 ticular.

15 (b) *STUDY.*—The Comptroller General shall conduct a
16 study on the efforts undertaken by the Secretary and Assist-
17 ant Secretary, as well as other entities determined by the
18 Comptroller General to have made significant efforts, since
19 January 1, 2004, to learn from foreign nations that have
20 been targets of terrorist attacks on passenger rail and public
21 transportation systems in an effort to identify lessons
22 learned from the experience of such nations to improve the
23 execution of Department functions to address transpor-
24 tation security gaps in the United States.

25 (c) *REPORT.*—

1 (1) *IN GENERAL.*—Not later than one year after
 2 the date of enactment of this Act, the Comptroller
 3 General shall submit to the Committee on Homeland
 4 Security of the House of Representatives and the
 5 Committee on Homeland Security and Governmental
 6 Affairs of the Senate a report on the results of the
 7 study. The report shall also include an analysis of
 8 relevant legal differences that may affect the ability of
 9 the Department to apply lessons learned.

10 (2) *RECOMMENDATIONS.*—The Comptroller Gen-
 11 eral shall include in the report recommendations on
 12 how the Department and its components, including
 13 the Transportation Security Administration, can ex-
 14 pand efforts to learn from the expertise and the secu-
 15 rity practices of passenger rail and public transpor-
 16 tation systems in foreign nations that have experi-
 17 enced terrorist attacks on such systems.

18 **SEC. 309. UNDERWATER TUNNEL SECURITY DEMONSTRA-**
 19 **TION PROJECT.**

20 (a) *DEMONSTRATION PROJECT.*—The Assistant Sec-
 21 retary, in consultation with the Under Secretary for
 22 Science and Technology, shall conduct a full-scale dem-
 23 onstration project to test and assess the feasibility and effec-
 24 tiveness of certain technologies to enhance the security of

1 *underwater public transportation tunnels against terrorist*
 2 *attacks involving the use of improvised explosive devices.*

3 *(b) INFLATABLE PLUGS.—*

4 *(1) IN GENERAL.—At least one of the technologies*
 5 *tested under subsection (a) shall be inflatable plugs*
 6 *that may be rapidly deployed to prevent flooding of*
 7 *a tunnel.*

8 *(2) FIRST TECHNOLOGY TESTED.—Not later than*
 9 *180 days after the date of enactment of this Act, the*
 10 *Assistant Secretary shall carry out a demonstration*
 11 *project that tests the effectiveness of using inflatable*
 12 *plugs for the purpose described in paragraph (1).*

13 *(c) REPORT TO CONGRESS.—Not later than 180 days*
 14 *after completion of the demonstration project under this sec-*
 15 *tion, the Assistant Secretary shall submit a report to the*
 16 *appropriate committees of Congress, including the Com-*
 17 *mittee on Homeland Security of the House of Representa-*
 18 *tives, on the results of the demonstration project.*

19 *(d) AUTHORIZATION OF APPROPRIATION.—Of the*
 20 *amounts made available under section 101 for fiscal year*
 21 *2010, \$8,000,000 shall be available to carry out this section.*

22 **SEC. 310. PASSENGER RAIL SECURITY DEMONSTRATION**
 23 **PROJECT.**

24 *(a) DEMONSTRATION PROJECT.—The Assistant Sec-*
 25 *retary, in consultation with the Under Secretary for*

1 *Science and Technology, shall conduct a demonstration*
 2 *project in a passenger rail system to test and assess the*
 3 *feasibility and effectiveness of technologies to strengthen the*
 4 *security of passenger rail systems against terrorist attacks*
 5 *involving the use of improvised explosive devices.*

6 (b) *SECURITY TECHNOLOGIES.—The demonstration*
 7 *project under this section shall test and assess technologies*
 8 *to—*

9 (1) *detect improvised explosive devices on station*
 10 *platforms, through the use of foreign object detection*
 11 *programs in conjunction with cameras; and*

12 (2) *defeat improvised explosive devices left on*
 13 *rail tracks.*

14 (c) *REPORT TO CONGRESS.—Not later than 180 days*
 15 *after completion of the demonstration project under this sec-*
 16 *tion, the Assistant Secretary shall submit a report to the*
 17 *appropriate committees of Congress, including the Com-*
 18 *mittee on Homeland Security of the House of Representa-*
 19 *tives, on the results of the demonstration project.*

20 **SEC. 311. EXPLOSIVES DETECTION CANINE TEAMS.**

21 *Section 1307 of the Implementing Recommendations*
 22 *of the 9/11 Commission Act of 2007 (6 U.S.C. 1116) is*
 23 *amended—*

24 (1) *in subsection (b)—*

1 (A) in paragraph (1)(A), by striking
2 “2010” and inserting “2011”; and

3 (B) by adding at the end the following new
4 paragraph:

5 “(3) ALLOCATION.—

6 “(A) IN GENERAL.—The Secretary shall in-
7 crease the number of canine teams certified by
8 the Transportation Security Administration for
9 the purpose of passenger rail and public trans-
10 portation security activities to not less than 200
11 canine teams by the end of fiscal year 2011.

12 “(B) COOPERATIVE AGREEMENTS.—The
13 Secretary shall expand the use of canine teams
14 to enhance passenger rail and public transpor-
15 tation security by entering into cooperative
16 agreements with passenger rail and public trans-
17 portation agencies eligible for security assistance
18 under section 1406 of this Act for the purpose of
19 deploying and maintaining canine teams to such
20 agencies for use in passenger rail or public
21 transportation security activities and providing
22 for assistance in an amount not less than
23 \$75,000 for each canine team deployed, to be ad-
24 justed by the Secretary for inflation.

1 “(C) *AUTHORIZATION OF APPROPRIA-*
2 *TIONS.—From amounts made available under*
3 *section 101 of the Transportation Security Ad-*
4 *ministration Authorization Act, there are au-*
5 *thorized to be appropriated to the Secretary such*
6 *sums as may be necessary to carry out this para-*
7 *graph for fiscal years 2010 and 2011.”;*

8 *(2) in subsection (d)—*

9 *(A) in paragraph (3), by striking “and”;*

10 *(B) in paragraph (4), by striking the period*
11 *at the end and inserting the following: “; and”;*
12 *and*

13 *(C) by adding at the end the following new*
14 *paragraph:*

15 *“(5) expand the use of canine teams trained to*
16 *detect vapor wave trails in passenger rail and public*
17 *transportation security environments, as the Sec-*
18 *retary, in consultation with the Assistant Secretary,*
19 *determines appropriate.”;*

20 *(3) in subsection (e), by striking “, if appro-*
21 *priate,” and inserting “, to the extent practicable,”;*
22 *and*

23 *(4) by striking subsection (f) and inserting the*
24 *following new subsection (f):*

1 “(f) *REPORT*.—Not later than one year after the date
 2 of the enactment of the Transportation Security Adminis-
 3 tration Authorization Act, the Comptroller General shall
 4 submit to the appropriate congressional committees a report
 5 on—

6 “(1) utilization of explosives detection canine
 7 teams to strengthen security in passenger rail and
 8 public transportation environments;

9 “(2) the capacity of the national explosive detec-
 10 tion canine team program as a whole; and

11 “(3) how the Assistant Secretary could better
 12 support State and local passenger rail and public
 13 transportation entities in maintaining certified ca-
 14 nine teams for the life of the canine, including by
 15 providing financial assistance.”.

16 **TITLE IV—TRANSPORTATION**
 17 **SECURITY CREDENTIALING**

18 **Subtitle A—Security Credentialing**

19 **SEC. 401. REPORT AND RECOMMENDATION FOR UNIFORM**
 20 **SECURITY BACKGROUND CHECKS.**

21 *Not later than one year after the date of enactment*
 22 *of this Act, the Comptroller General shall submit to the*
 23 *Committee on Homeland Security of the House of Rep-*
 24 *resentatives a report that contains—*

1 (1) *a review of background checks and forms of*
2 *identification required under State and local trans-*
3 *portation security programs;*

4 (2) *a determination as to whether the back-*
5 *ground checks and forms of identification required*
6 *under such programs duplicate or conflict with Fed-*
7 *eral programs; and*

8 (3) *recommendations on limiting the number of*
9 *background checks and forms of identification re-*
10 *quired under such programs to reduce or eliminate*
11 *duplication with Federal programs.*

12 **SEC. 402. ANIMAL-PROPELLED VESSELS.**

13 *Notwithstanding section 70105 of title 46, United*
14 *States Code, the Secretary shall not require an individual*
15 *to hold a transportation security card, or be accompanied*
16 *by another individual who holds such a card if—*

17 (1) *the individual has been issued a license, cer-*
18 *tificate of registry, or merchant mariner's document*
19 *under part E of subtitle II of title 46, United States*
20 *Code;*

21 (2) *the individual is not allowed unescorted ac-*
22 *cess to a secure area designated in a vessel or facility*
23 *security plan approved by the Secretary; and*

24 (3) *the individual is engaged in the operation of*
25 *a live animal-propelled vessel.*

1 **SEC. 403. REQUIREMENTS FOR ISSUANCE OF TRANSPOR-**
2 **TATION SECURITY CARDS; ACCESS PENDING**
3 **ISSUANCE.**

4 *Section 70105 of title 46, United States Code, is*
5 *amended by adding at the end the following new sub-*
6 *sections:*

7 *“(n) ESCORTING.—The Secretary shall coordinate*
8 *with owners and operators subject to this section to allow*
9 *any individual who has a pending application for a trans-*
10 *portation security card under this section or is waiting for*
11 *reissuance of such card, including any individual whose*
12 *card has been lost or stolen, and who needs to perform work*
13 *in a secure or restricted area to have access to such area*
14 *for that purpose through escorting of such individual in ac-*
15 *cordance with subsection (a)(1)(B) by another individual*
16 *who holds a transportation security card.*

17 *“(o) PROCESSING TIME.—The Secretary shall review*
18 *an initial transportation security card application and re-*
19 *spond to the applicant, as appropriate, including the mail-*
20 *ing of an Initial Determination of Threat Assessment letter,*
21 *within 30 days after receipt of the initial application. The*
22 *Secretary shall, to the greatest extent practicable, review ap-*
23 *peal and waiver requests submitted by a transportation se-*
24 *curity card applicant, and send a written decision or re-*
25 *quest for additional information required for the appeal or*
26 *waiver determination, within 30 days after receipt of the*

1 *applicant’s appeal or waiver written request. For an appli-*
 2 *cant that is required to submit additional information for*
 3 *an appeal or waiver determination, the Secretary shall send*
 4 *a written decision, to the greatest extent practicable, within*
 5 *30 days after receipt of all requested information.*

6 “(p) *RECEIPT OF CARDS.*—Within 180 days after the
 7 date of enactment of the Transportation Security Adminis-
 8 tration Authorization Act, the Secretary shall develop a
 9 process to permit an individual approved for a transpor-
 10 tation security card under this section to receive the card
 11 at the individual’s place of residence.

12 “(q) *FINGERPRINTING.*—The Secretary shall establish
 13 procedures providing for an individual who is required to
 14 be fingerprinted for purposes of this section to be
 15 fingerprinted at facilities operated by or under contract
 16 with an agency of the Department of the Secretary that en-
 17 gages in fingerprinting the public for transportation secu-
 18 rity or other security purposes.”.

19 **SEC. 404. HARMONIZING SECURITY CARD EXPIRATIONS.**

20 Section 70105(b) of title 46, United States Code, is
 21 amended by adding at the end the following new paragraph:

22 “(6) The Secretary may extend for up to one year the
 23 expiration of a biometric transportation security card re-
 24 quired by this section to align the expiration with the expi-

1 *ration of a license, certificate of registry, or merchant mar-*
 2 *iner document required under chapter 71 or 73.”.*

3 **SEC. 405. SECURING AVIATION FROM EXTREME TERRORIST**
 4 **THREATS.**

5 *Section 44903(j)(2)(C) of title 49, United States Code,*
 6 *as amended by section 213 of this Act, is further amended*
 7 *by adding at the end the following:*

8 *“(vi) INCLUSION OF DETAINEES ON NO*
 9 *FLY LIST.—The Assistant Secretary, in co-*
 10 *ordination with the Terrorist Screening*
 11 *Center, shall include on the no fly list any*
 12 *individual who was a detainee housed at*
 13 *the Naval Station, Guantanamo Bay, Cuba,*
 14 *on or after January 1, 2009, after a final*
 15 *disposition has been issued by the President.*
 16 *For purposes of this clause, the term ‘de-*
 17 *tainee’ means an individual in the custody*
 18 *or under the physical control of the United*
 19 *States as a result of armed conflict.”.*

20 **Subtitle B—SAFE Truckers Act of**
 21 **2009**

22 **SEC. 431. SHORT TITLE.**

23 *This subtitle may be cited as the “Screening Applied*
 24 *Fairly and Equitably to Truckers Act of 2009” or the*
 25 *“SAFE Truckers Act of 2009”.*

1 **SEC. 432. SURFACE TRANSPORTATION SECURITY.**

2 (a) *IN GENERAL.*—*The Homeland Security Act of*
 3 *2002 (6 U.S.C. 101 et seq.) is amended by adding at the*
 4 *end the following:*

5 **“TITLE XXI—SURFACE**
 6 **TRANSPORTATION SECURITY**

7 **“SEC. 2101. TRANSPORTATION OF SECURITY SENSITIVE MA-**
 8 **TERIALS.**

9 “(a) *SECURITY SENSITIVE MATERIALS.*—*Not later*
 10 *than 120 days after the date of enactment of this section,*
 11 *the Secretary shall issue final regulations, after notice and*
 12 *comment, defining security sensitive materials for the pur-*
 13 *poses of this title.*

14 “(b) *MOTOR VEHICLE OPERATORS.*—*The Secretary*
 15 *shall prohibit an individual from operating a motor vehicle*
 16 *in commerce while transporting a security sensitive mate-*
 17 *rial unless the individual holds a valid transportation secu-*
 18 *rity card issued by the Secretary under section 70105 of*
 19 *title 46, United States Code.*

20 “(c) *SHIPPERS.*—*The Secretary shall prohibit a per-*
 21 *son from—*

22 “(1) *offering a security sensitive material for*
 23 *transportation by motor vehicle in commerce; or*

24 “(2) *causing a security sensitive material to be*
 25 *transported by motor vehicle in commerce,*

1 *unless the motor vehicle operator transporting the security*
 2 *sensitive material holds a valid transportation security*
 3 *card issued by the Secretary under section 70105 of title*
 4 *46, United States Code.*

5 **“SEC. 2102. ENROLLMENT LOCATIONS.**

6 “(a) *FINGERPRINTING LOCATIONS.*—*The Secretary*
 7 *shall—*

8 “(1) *work with appropriate entities to ensure*
 9 *that fingerprinting locations for individuals applying*
 10 *for a transportation security card under section*
 11 *70105 of title 46, United States Code, have flexible*
 12 *operating hours; and*

13 “(2) *permit an individual applying for such*
 14 *transportation security card to utilize a*
 15 *fingerprinting location outside of the individual’s*
 16 *State of residence to the greatest extent practicable.*

17 “(b) *RECEIPT AND ACTIVATION OF CARDS.*—*The Sec-*
 18 *retary shall develop guidelines and procedures to permit an*
 19 *individual to receive a transportation security card under*
 20 *section 70105 of title 46, United States Code, at the individ-*
 21 *ual’s place of residence and to activate the card at any en-*
 22 *rollment center.*

23 “(c) *NUMBER OF LOCATIONS.*—*The Secretary shall de-*
 24 *velop and implement a plan—*

1 “(1) to offer individuals applying for a transpor-
 2 tation security card under section 70105 of title 46,
 3 United States Code, the maximum number of
 4 fingerprinting locations practicable across diverse ge-
 5 ographic regions; and

6 “(2) to conduct outreach to appropriate stake-
 7 holders, including owners, operators, and relevant en-
 8 tities (and labor organizations representing employees
 9 of such owners, operators, and entities), to keep the
 10 stakeholders informed of the timeframe and locations
 11 for the opening of additional fingerprinting locations.

12 “(d) *AUTHORIZATION.*—There are authorized to be ap-
 13 propriated such sums as may be necessary to carry out this
 14 section.

15 **“SEC. 2103. AUTHORITY TO ENSURE COMPLIANCE.**

16 “(a) *IN GENERAL.*—The Secretary is authorized to en-
 17 sure compliance with this title.

18 “(b) *MEMORANDUM OF UNDERSTANDING.*—The Sec-
 19 retary may enter into a memorandum of understanding
 20 with the Secretary of Transportation to ensure compliance
 21 with section 2101.

22 **“SEC. 2104. CIVIL PENALTIES.**

23 “A person that violates this title or a regulation or
 24 order issued under this title is liable to the United States

1 *Government pursuant to the Secretary's authority under*
2 *section 114(v) of title 49, United States Code.*

3 **“SEC. 2105. COMMERCIAL MOTOR VEHICLE OPERATORS**
4 **REGISTERED TO OPERATE IN MEXICO OR**
5 **CANADA.**

6 *“The Secretary shall prohibit a commercial motor ve-*
7 *hicle operator licensed to operate in Mexico or Canada from*
8 *operating a commercial motor vehicle transporting a secu-*
9 *rity sensitive material in commerce in the United States*
10 *until the operator has been subjected to, and not disqualified*
11 *as a result of, a security background records check by a Fed-*
12 *eral agency that the Secretary determines is similar to the*
13 *security background records check required for commercial*
14 *motor vehicle operators in the United States transporting*
15 *security sensitive materials in commerce.*

16 **“SEC. 2106. OTHER SECURITY BACKGROUND CHECKS.**

17 *“The Secretary shall determine that an individual ap-*
18 *plying for a transportation security card under section*
19 *70105 of title 46, United States Code, has met the back-*
20 *ground check requirements for such card if the individual*
21 *was subjected to, and not disqualified as a result of, a secu-*
22 *rity background records check by a Federal agency that the*
23 *Secretary determines is equivalent to or more stringent*
24 *than the background check requirements for such card.*

1 **“SEC. 2107. REDUNDANT BACKGROUND CHECKS.**

2 “(a) *IN GENERAL.*—After the date of enactment of this
3 title, the Secretary shall prohibit a State or political sub-
4 division thereof from requiring a separate security back-
5 ground check of an individual seeking to transport haz-
6 ardous materials.

7 “(b) *WAIVERS.*—The Secretary may waive the appli-
8 cation of subsection (a) with respect to a State or political
9 subdivision thereof if the State or political subdivision dem-
10 onstrates a compelling homeland security reason that a sep-
11 arate security background check is necessary to ensure the
12 secure transportation of hazardous materials in the State
13 or political subdivision.

14 “(c) *LIMITATION ON STATUTORY CONSTRUCTION.*—
15 Nothing in this section shall limit the authority of a State
16 to ensure that an individual has the requisite knowledge
17 and skills to safely transport hazardous materials in com-
18 merce.

19 **“SEC. 2108. TRANSITION.**

20 “(a) *TREATMENT OF INDIVIDUALS RECEIVING PRIOR*
21 *HAZARDOUS MATERIALS ENDORSEMENTS.*—The Secretary
22 shall treat an individual who has obtained a hazardous ma-
23 terials endorsement in accordance with section 1572 of title
24 49, Code of Federal Regulations, before the date of enact-
25 ment of this title, as having met the background check re-
26 quirements of a transportation security card under section

1 70105 of title 46, United States Code, subject to reissuance
 2 or expiration dates of the hazardous materials endorsement.

3 “(b) *REDUCTION IN FEES.*—The Secretary shall re-
 4 duce, to the greatest extent practicable, any fees associated
 5 with obtaining a transportation security card under section
 6 70105 of title 46, United States Code, for any individual
 7 referred to in subsection (a).

8 **“SEC. 2109. SAVINGS CLAUSE.**

9 “Nothing in this title shall be construed as affecting
 10 the authority of the Secretary of Transportation to regulate
 11 hazardous materials under chapter 51 of title 49, United
 12 States Code.

13 **“SEC. 2110. DEFINITIONS.**

14 “In this title, the following definitions apply:

15 “(1) *COMMERCE.*—The term ‘commerce’ means
 16 trade or transportation in the jurisdiction of the
 17 United States—

18 “(A) between a place in a State and a place
 19 outside of the State; or

20 “(B) that affects trade or transportation be-
 21 tween a place in a State and a place outside of
 22 the State.

23 “(2) *HAZARDOUS MATERIAL.*—The term ‘haz-
 24 ardous material’ has the meaning given that term in
 25 section 5102 of title 49, United States Code.

1 “(3) *PERSON*.—The term ‘person’, in addition to
2 its meaning under section 1 of title 1, United States
3 Code—

4 “(A) includes a government, Indian tribe,
5 or authority of a government or tribe offering se-
6 curity sensitive material for transportation in
7 commerce or transporting security sensitive ma-
8 terial to further a commercial enterprise; but

9 “(B) does not include—

10 “(i) the United States Postal Service;
11 and

12 “(ii) in section 2104, a department,
13 agency, or instrumentality of the Govern-
14 ment.

15 “(4) *SECURITY SENSITIVE MATERIAL*.—The term
16 ‘security sensitive material’ has the meaning given
17 that term in section 1501 of the Implementing Rec-
18 ommendations of the 9/11 Commission Act of 2007 (6
19 U.S.C. 1151).

20 “(5) *TRANSPORTS; TRANSPORTATION*.—The term
21 ‘transports’ or ‘transportation’ means the movement
22 of property and loading, unloading, or storage inci-
23 dental to such movement.”.

1 **SEC. 433. CONFORMING AMENDMENT.**

2 *The table of contents contained in section 1(b) of the*
 3 *Homeland Security Act of 2002 (116 Stat. 2135) is amend-*
 4 *ed by adding at the end the following:*

“TITLE XXI—SURFACE TRANSPORTATION SECURITY

“Sec. 2101. *Transportation of security sensitive materials.*

“Sec. 2102. *Enrollment locations.*

“Sec. 2103. *Authority to ensure compliance.*

“Sec. 2104. *Civil penalties.*

“Sec. 2105. *Commercial motor vehicle operators registered to operate in Mexico*
or Canada.

“Sec. 2106. *Other security background checks.*

“Sec. 2107. *Redundant background checks.*

“Sec. 2108. *Transition.*

“Sec. 2109. *Savings clause.*

“Sec. 2110. *Definitions.*”.

5 **SEC. 434. LIMITATION ON ISSUANCE OF HAZMAT LICENSES.**

6 *Section 5103a of title 49, United States Code, and the*
 7 *item relating to that section in the analysis for chapter 51*
 8 *of such title, are repealed.*

9 **SEC. 435. DEADLINES AND EFFECTIVE DATES.**

10 (a) *ISSUANCE OF TRANSPORTATION SECURITY*
 11 *CARDS.—Not later than May 31, 2010, the Secretary shall*
 12 *begin issuance of transportation security cards under sec-*
 13 *tion 70105 of title 46, United States Code, to individuals*
 14 *who seek to operate a motor vehicle in commerce while*
 15 *transporting security sensitive materials.*

16 (b) *EFFECTIVE DATE OF PROHIBITIONS.—The prohi-*
 17 *bitions contained in sections 2101 and 2106 of the Home-*
 18 *land Security Act of 2002 (as added by this subtitle) shall*

1 *take effect on the date that is 3 years after the date of enact-*
2 *ment of this Act.*

3 (c) *EFFECTIVE DATE OF SECTION 434 AMEND-*
4 *MENTS.—The amendments made by section 434 of this Act*
5 *shall take effect on the date that is 3 years after the date*
6 *of enactment of this Act.*

7 **SEC. 436. TASK FORCE ON DISQUALIFYING CRIMES.**

8 (a) *ESTABLISHMENT.—The Secretary shall establish a*
9 *task force to review the lists of crimes that disqualify indi-*
10 *viduals from transportation-related employment under cur-*
11 *rent regulations of the Transportation Security Adminis-*
12 *tration and assess whether such lists of crimes are accurate*
13 *indicators of a terrorism security risk.*

14 (b) *MEMBERSHIP.—The task force shall be composed*
15 *of representatives of appropriate industries, including labor*
16 *unions representing employees of such industries, Federal*
17 *agencies, and other appropriate entities, as determined by*
18 *the Secretary.*

19 (c) *REPORT.—Not later than 180 days after the date*
20 *of enactment of this Act, the task force shall submit to the*
21 *Secretary and the Committee on Homeland Security of the*
22 *House of Representatives a report containing the results of*
23 *the review, including recommendations for a common list*
24 *of disqualifying crimes and the rationale for the inclusion*
25 *of each crime on the list.*

Union Calendar No. 63

11TH CONGRESS
1ST Session

H. R. 2200

[Report No. 111-123]

A BILL

To authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes.

May 19, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed